

1 DNREC - DIVISION OF AIR QUALITY
2 DOCKET NO. 2022-R-A-0011
3 7 DE ADMIN. CODE 1140
4 DELAWARE LOW EMISSION VEHICLE PROGRAM

5 PUBLIC HEARING

6 Taken virtually via Zoom on Wednesday,
7 April 26, 2023, commencing at 6:00 p.m., by
8 Leandra M. Stoudt, RPR, CBC, CCP, CRR, Notary
9 Public.

10 BEFORE: HEARING OFFICER THERESA NEWMAN
11 OFFICER OF THE SECRETARY
12 89 Kings Highway
13 Dover, DE 19901

14 APPEARANCES:

15 DELAWARE DEPARTMENT OF NATURAL
16 RESOURCES AND ENVIRONMENTAL CONTROL
17 (DNREC)

18 BY: JENNIFER CHILDEARS
19 89 Kings Highway
20 Dover, DE 19901
21 Jennifer.Childears@delaware.gov
22 -- for DNREC

23 ALSO PRESENT:

24 KYLE KRALL, Division of Air Quality
25 MEGAN SWEENEY
LESLEY REESE, JANELLA SAPP

1 THE HEARING OFFICER: I want to first
2 thank you for taking the time out of your busy
3 schedules to join us. The time is now 6 p.m.,
4 Wednesday, on Wednesday, April 26th, 2023.

5 We're here this evening to provide
6 the virtual hearing platform for the State of
7 Delaware Department Of Natural Resources And
8 Environmental Control to conduct its formal public
9 hearing on the proposed amendments to regulation
10 7DE Admin. Code 1140, Delaware's low emission
11 vehicle program.

12 My name is Theresa Newman and Cabinet
13 Secretary Garvin has appointed me to serve as the
14 hearing officer for tonight's formal proceeding.
15 Pursuant to Delaware standard protocols, this
16 hearing is being conducted virtually.

17 For those who have joined the hearing
18 at the Kent County Levy Court, there is a sign-in
19 sheet available in the back of the room, to which
20 you should have signed in as you entered.
21 However, if you happened to miss that table,
22 please be sure to sign in as soon as possible or
23 before you leave.

24 For those who have joined online,
25 Zoom does generate a list of those present at the

1 hearing, and collectively the department will have
2 a record of all those who have joined here
3 tonight.

4 Before I set parameters for the
5 formal proceeding tonight, I'm going to turn it
6 over to Megan Sweeney, with DNRECs office of the
7 secretary to offer a brief instruction on how to
8 use the closed captioning option and the language
9 of your choice, as well as additional information
10 about the functions being utilized this evening.
11 Mrs. Sweeney, you may begin.

12 MRS. SWEENEY: Hello, my name is
13 Megan Sweeney. I'm the management analyst with
14 the office of the secretary. I'm here to assist
15 the hearing officer tonight.

16 I'd like to make sure everyone is
17 aware that the Zoom platform we're using has the
18 ability for closed captioning in the following
19 languages, Arabic, Bengali, Chinese, Czech, Dutch,
20 English, Estonian, Finnish, French, German,
21 Hungarian, Italian, Japanese, Korean, Malay,
22 Polish, Portuguese, Russian, Spanish, Swedish,
23 Tamil, Turkish, Ukrainian and Vietnamese.

24 To start closed captioning, if you
25 are using a computer, at the bottom of your screen

1 you should see a show captions button. If you
2 don't see the show captions button, you may have
3 to select the three dots that say, more. Once you
4 find your show captions button, you should click
5 the caret pointing up, which will bring up
6 translation options. You can select your
7 preferred language from there. And if your
8 performed language is not listed, select more, and
9 all the languages previously mentioned will be
10 listed.

11 If you're on a smart phone, at the
12 bottom of your screen, select the captions button
13 indicated by CC. If your preferred language is
14 not listed at the bottom, you may have to select
15 the three dots that say, more. You should then
16 select meeting settings with the gear icon next to
17 it.

18 Once the settings page comes up,
19 located at the very bottom, select translation
20 language. From there, you will be able to select
21 your preferred language, then select done at the
22 top right corner and then done again.

23 If the captions are not automatically
24 popping up yet you may need to select captions
25 again and select show captions.

1 Now I'll turn it back over to hearing
2 officer Newman.

3 THE HEARING OFFICER: Thank you, Mrs.
4 Sweeney for all the information you provided. To
5 add to Mrs. Sweeney's remarks regarding functions
6 of the platform, you may periodically see my video
7 feed go on and off. That is simply due to
8 logistics associated with the Zoom platform. The
9 main camera feed will focus on whoever is speaking
10 at the time. However, I, the hearing officer,
11 will remain online throughout the duration of the
12 hearing.

13 Now, to begin the logistics of
14 tonight's hearing. At the conclusion of my
15 introductory remarks, I'll be introducing the
16 department to provide the division of air quality
17 presentation for incorporation into the hearing
18 record.

19 Following the conclusion of the
20 department's presentation, we will begin the
21 public comment portion of the hearing.

22 Due to the estimated time duration of
23 the hearing, we will be taking a five minute break
24 on or about every hour.

25 I will announce those breaks through

1 the hearing and we will provide a time when -- to
2 which we'll resume. The breaks are necessary as a
3 court reporter is virtually present with us
4 tonight and will prepare a verbatim transcript of
5 the hearing pursuant to the statutory requirement
6 to do so.

7 As always, that transcript will be
8 posted on the hearing web page dedicated to this
9 matter as soon as it is received.

10 I would encourage those -- I would
11 encourage everyone to review the transcript once
12 it is posted so that you can be reminded of the
13 comments that were received verbally at tonight's
14 hearing.

15 Before we go any further, it is
16 important to set the parameters of the hearing
17 tonight. First and foremost, this is a formal
18 legal hearing. It is not a public information
19 session nor an informal type of workshop or town
20 hall event.

21 There will be no Q and A permitted at
22 this hearing. The purpose of tonight's hearing is
23 to build a record regarding the regulatory matter
24 by providing the formal legal platform for the
25 public to learn about the proposed amendment and

1 to enable the public to offer live comment.

2 It is important to remember that all
3 comments, those provided tonight and those
4 provided in writing, are given the same weight.
5 While all comments are appreciated, each comment
6 may be limited solely to the subject matter of
7 tonight's hearing. It is important to note that
8 multiple comments, saying the same thing, do not
9 outweigh one singular comment. Simply put,
10 comments are not votes.

11 I would like to share something else
12 that we pulled from EPA's website concerning
13 public comment with regard to form letters.

14 Quote, organizations often encourage
15 their members to submit form letters designed to
16 address issues common to their membership.
17 Organizations including industrial associations,
18 labor unions and conservation groups sometimes use
19 form letters to voice their opposition or support
20 of a proposed rule making.

21 Many in public -- many in the public
22 mistakenly believe their submitted form letter
23 constitutes a vote regarding the issues concerning
24 them. Although public support for opposition may
25 help guide important public policies, agencies

1 made determination for a proposed action based on
2 a sound reasoning and scientific evidence rather
3 than a majority of votes. A single,
4 well-supported comment may carry more weight than
5 a thousand form letters, unquote.

6 Tonight also adheres to this policy
7 with regard to public comment received. So please
8 keep that in mind while listening to those
9 offering verbal comment, we have over 100 people
10 preregistered to offer verbal comment tonight.
11 That alone will exceed our available time this
12 evening if everyone uses their fully -- if
13 everyone uses their full allotted time.

14 If you start to hear the same comment
15 being offered over and over, consider saying
16 something different that has not already been
17 said, or perhaps choose to simply submit your
18 comments in writing over the next several weeks
19 instead of speaking live tonight. To be clear, we
20 will attempt to accommodate all those who are
21 preregistered to speak.

22 I'm simply suggesting the comment
23 portion of tonight's hearing be as concise and
24 meaningful as possible. And those commenting live
25 tonight, again, please remember that volume does

1 not equal weight.

2 I also want to make sure everyone
3 realizes that only comments submitted to DNREC and
4 entered in by myself into the formal record
5 hearing in this matter, will be posted on the
6 hearing web page and considered by the department
7 as part of the regulatory decision process. The
8 department has not partnered with any outside
9 organization or websites to assist with the
10 public's submission of comments in this manner.
11 So again, only submit comment to DNREC directly.

12 For those pre-registered with DNREC
13 to offer live comments this evening, when we get
14 to that portion of the hearing tonight, each
15 person will be recognized in the order their
16 pre-registration was received. Each will be given
17 three minutes to comment at that time.

18 If you are unable to finish your
19 comments within three minutes, you are encouraged
20 to submit your full comments to DNREC in writing
21 as, again, all comments equal -- all comments have
22 equal weight whether they are offered live this
23 evening or in writing between now and when the
24 hearing record closes, which will be Friday, May
25 26th, 2023.

1 While commenters are limited to three
2 minutes to speak this evening, the amount of
3 written comment you may submit is limitless as
4 long as it is received on or before the comment
5 period ending on May 26th.

6 I will say more about the comment
7 portion of the proceeding later when we get to
8 that tonight. However, I must stress, again, that
9 tonight's event is a formal legal proceeding.
10 Those offering comments live this evening must do
11 so in a respectful manner.

12 There will be zero tolerance for
13 disruptive behavior, disparaging comments,
14 offensive language and personal attacks.

15 I would encourage those attending
16 this evening to go to DNREC's web page for public
17 hearings. It is under the administrative law
18 section where you'll find more details concerning
19 this regulatory matter. The presentations you
20 will be seeing tonight, along with the related
21 documents to the proposed amendments are posted on
22 the department's hearing web page dedicated to
23 this matter.

24 Now the following protocols apply to
25 all DNREC hearings.

1 One, all comments received must be
2 limited solely to the subject matter of tonight's
3 hearing. Which, again, is proposed amendment to
4 7DE Admin. Code 1140, Delaware's low emission
5 vehicle program. All comments pertinent to the
6 subject matter of the virtual hearing will be
7 incorporated into the record and posted on the
8 hearing webpage dedicated to this matter.

9 In order to ensure that everyone
10 wishes to offer comment for secretary's
11 consideration is accommodated, the record in this
12 matter shall remain open for receipt of public
13 comment following tonight's proceeding through
14 Friday, May 26th, 2023.

15 There's one authentic record of the
16 formal proceeding tonight, and it is the official
17 court reporter's verbatim transcript, which will
18 be posted on the hearing webpage as soon as it is
19 received.

20 The statutory purpose of tonight's
21 hearing is to build a record with regard to the
22 proposed regulatory matter. A record consisting
23 of the transcript of the hearing tonight, all
24 written comment, all exhibits and eventually my
25 report will be reviewed by Secretary Garvin.

1 The secretary will ultimately issue
2 an order following that review process and that
3 order will continue his decision on this matter
4 and the reasons therefore.

5 Lastly, it is important to note that
6 a decision has not been made by the department,
7 nor will any decision be made tonight with regard
8 to this pending regulatory matter.

9 Again, the public comment period
10 will remain open through May 26th, so that the
11 members of the public are afforded the opportunity
12 to offer written comment for the secretary's
13 consideration, should they wish to do so.

14 As I conclude my introductory
15 remarks, I would like to introduce the division of
16 air quality responsible staff person, Mr. Kyle
17 Krall, who will provide a presentation on the
18 proposed amendments for tonight. Mr. Krall, you
19 may begin when you're ready.

20 MR. KRALL: Thank you.

21 Can you see my screen?

22 THE HEARING OFFICER: Yes.

23 MR. KRALL: Okay. Thanks. Welcome
24 and thank you for joining us tonight to present
25 Delaware's proposed amendments -- to proposed --

1 present Delaware's proposed adoption of the suite
2 of vehicle emission standards recently adopted by
3 California.

4 I would like to provide you with some
5 information and background about Delaware's air
6 quality and explain why further reductions in air
7 pollution are need. Delaware has made significant
8 progress towards cleaner air. We have done that
9 by placing requirements on our industrial and
10 power sectors who have installed pollution control
11 equipment that further reduce their emissions.

12 As you see by this chart, those
13 emissions are only 18 percent of our nitrogen
14 oxide emissions, which mix with other pollutants
15 to form ground level ozone. Now we see the
16 transportation sector is our largest source of air
17 pollution that impacts our ability to achieve the
18 clean air standards set by the environmental
19 protection agency.

20 Mobile sources and the fossil fuels
21 that power them account for most of the pollutants
22 in our air. Our vehicles contribute most of the
23 diesel particulate matter emissions, as well as
24 smog and ozone forming pollutants such as oxides
25 of nitrogen.

1 Transportation is our largest portion
2 of greenhouse gas emissions in Delaware.
3 Therefore, we find that it is imperative that we
4 optimize our mobile source control programs to
5 maximize emissions reduction from all types of air
6 pollutants so that Delaware can meet our air
7 quality, climate and community risk reduction
8 goals.

9 Achieving these milestones early on
10 would provide immediate benefits in our
11 communities that continue to bear the brunt of
12 poor air quality. Zero emission standards for our
13 vehicles are a key part of the solution.

14 Tailpipe emissions from nitrogen
15 oxides and volatile organic compounds combined in
16 our atmosphere assisted by heat and sunlight to
17 form toxic ground level ozone. This graphic from
18 EPA really helps depict this information.

19 Ground level ozone results in several
20 detrimental health impacts. Especially vulnerable
21 to this pollution are children and elderly.
22 Reducing this pollution will result in fewer
23 premature deaths, asthma attacks. It especially
24 affects our children and elderly with underlying
25 health conditions. We will also realize fewer

1 hospitalizations for cardiovascular and
2 respiratory illnesses.

3 Studies consistently show that mobile
4 source pollution exposure near major roadways
5 contributes to and exacerbation asthma, impairs
6 lung function and increases cardiovascular
7 mortality.

8 Residents of communities located near
9 major roadways, often residents who are low
10 incomes, are at an increased risk of asthma
11 attacks and other respiratory and cardiac affects.

12 People in these communities are also
13 more sensitive to and likely to experience the
14 negative impacts of climate change. This history
15 of disproportional exposure to polluted air makes
16 it essential to prioritize disadvantaged and low
17 income communities and households. Collectively
18 known as priority populations, they will benefit
19 most from the reduced emissions and cost saving
20 benefits of cleaner, less polluting, newer
21 technology vehicles and alternative modes of
22 transportation.

23 By requiring our industrial sources
24 and our power plants to install pollution control
25 equipment, we have seen reductions over the years.

1 But, our regional pollution levels remain above
2 the federal health base standard for ground level
3 ozone. And because these levels continue to
4 exceed the standards, the American Lung
5 Association continues to give New Castle County a
6 failing grade year after year. More reductions
7 are necessary to protect our health, particularly
8 those communities located by our major highways.

9 This slide provides a snapshot of how
10 ground level ozone forms on a hot summer day. It
11 shows area where ozone is beginning to form in our
12 region last June. The orange segments show where
13 air quality was deemed unhealthy for sensitive
14 groups such as kids with asthma or senior citizens
15 with underlying health conditions.

16 As required by the clean air act, EPA
17 defines areas -- EPA identifies areas or regions
18 in the country where the health based standards
19 are exceed as not meeting or attaining the
20 standard. Those areas are called non attainment
21 areas.

22 Delaware's New Castle County, along
23 with Maryland Cecil County, are linked to the
24 Philadelphia metropolitan area as a key
25 contributor to the region's overall air pollution.

1 The key source of air pollution in
2 our area is transportation. Along the I 95
3 corridor, we see higher emission from ozone
4 precursors and particulate matter. Many friends
5 and neighbors in Delaware and Maryland travel to
6 Philadelphia every day to work -- to work, further
7 contributing to the emissions in our region.

8 Now let's consider the impacts
9 transportation has on greenhouse gas emissions.
10 Those emissions are the largest source with over
11 30 percent. In 2017, Governor Carney committed to
12 reducing Delaware's greenhouse gas emissions by 26
13 percent to 28 percent from 2005 levels by 2025 by
14 joining coalition of 24 states in the U.S. climate
15 alliance.

16 This Target, identical to the goal
17 the U.S. made upon joining the Paris Agreement
18 under the United Nations Framework Convention For
19 Climate Change, affirms Delaware's recognition
20 that state level action is important to addressing
21 climate change. From Delaware's greenhouse gas
22 inventory, our states efforts have resulted in
23 overall emissions reduction of 18.3 percent. Our
24 climate action plan shows that Delaware has not
25 yet met its emission reduction goal.

1 The plan released in November 2021,
2 presented recommended actions the state can take
3 to ensure we meet or -- meet or exceed our goals.

4 One of the plan's recommended actions
5 was to adopt additional measures to reduce
6 emission from the transportation sector. In March
7 of 2022, Governor Carney directed the Department
8 Of Natural Resources And Environmental Control to
9 begin the regulatory development process to
10 propose adoption of the California Advanced Clean
11 Car Program, which includes reducing criteria and
12 greenhouse gas emissions and sets establishing
13 requirements for increasing numbers of zero
14 emitting vehicles be delivered and offered for
15 sale.

16 When we consider the impacts our
17 vehicles have in contributing to pollution, we
18 find from a health perspective, vehicles are now
19 the primary source of smog forming pollution and
20 fine particulate matter that worsen public health
21 out comes. Diesel engines emit higher levels of
22 particulate matter, which are airborne particles
23 of soot and metal. These can cause skin and eye
24 irritation and allergies, and very fine particles
25 can lodge deep into the lungs, where they can

1 cause respiratory problems.

2 As I previously mentioned, harmful
3 levels of pollutants exacerbate asthma and other
4 cardiovascular illnesses, especially in children
5 and older adults leading to additional
6 hospitalizations and premature deaths. And from
7 an environmental perspective, the effects of car
8 pollution are widespread, affecting air, soil and
9 water quality.

10 Nitrous oxide contributes to the
11 depletion of the ozone layer, which shields the
12 earth from harmful ultraviolet radiation from the
13 sun. Sulfur dioxide and nitrogen dioxide mix with
14 rainwater to create acid rain, which damages
15 crops, forest and other vegetation and buildings.

16 Oil and fuel spills from cars and
17 trucks seep deep into the soil near highways and
18 discarded fuel -- and discarded fuel and
19 particulates from vehicles emissions contaminate
20 lakes, rivers and wetlands. Delaware is already
21 experiencing impacts of climate change with
22 increased temperatures, sea level rise and extreme
23 precipitation events.

24 Our over burdened and under served
25 communities that reside near our major highways

1 and are disproportionately impacted by pollution
2 by our vehicles. The tailpipe emissions worsen
3 the health of our children that suffer from asthma
4 or elderly that have COPD or other chronic health
5 conditions.

6 Gasoline powered vehicles are also a
7 major source of air toxins such as formaldehyde
8 and benzene. At low levels, breathing in
9 formaldehyde can cause eye, nose and throat
10 irritation. At higher levels, formaldehyde
11 exposure can cause skin rashes, shortness of
12 breath, wheezing and changes in lung function.

13 We need to reduce exposure to vehicle
14 pollution for our front line communities that are
15 disproportionately impacted by pollution. In order
16 to reduce the impacts of air pollution, the
17 department works to identify the major sources,
18 determine what control technologies are available
19 and then draft regulations requiring those sources
20 to meet emissions standards.

21 Which begs the question, what can
22 Delaware do to mitigate harmful impacts to our
23 health attributed to our operation of vehicles?

24 The Clean Air Act provides framework
25 for Delaware to reduce tailpipe emissions. The

1 clear air act, section 177, the U.S. congress
2 authorizes states two mechanisms or tools for
3 addressing vehicle emissions. Federal action
4 through emission standards or adoption of the
5 stronger suit of California standards.

6 Federal emissions standards for
7 vehicles known as tier three engine standards were
8 adopted by the EPA in 2014, which limit the amount
9 of sulfur in gasoline and reduced nitrogen oxide
10 and other pollutants. The Federal Greenhouse Gas
11 Standards initially covered model years 2012
12 through 2025 and were recently amended in December
13 of 2021, for model years 2023 through 2026.

14 EPA announced last March, in 2021,
15 the reissuance of the California waiver under
16 section 209 of the Clean Air Act for the 2012
17 Advanced Clean Car One program, including zero
18 emission vehicle sales and greenhouse gas emission
19 standards.

20 EPA also withdrew the prior
21 administration's interpretive view of the Clean
22 Air Act section 177, that states, may not adopt
23 California's greenhouse gas standard pursuant to
24 section 177 even if the EPA has granted the
25 California waiver for such standards.

1 With that action, states may continue
2 to adopt and enforce California's greenhouse gas
3 standards under section 177 so long as they meet
4 the requirements of that section.

5 The following 17 states, California,
6 Connecticut, Colorado, Delaware, Massachusetts,
7 Maryland, Maine, Minnesota, New Jersey, New
8 Mexico, Nevada, New York, Oregon, Pennsylvania,
9 Rhode Island, Virginia and Washington, have
10 elected to adopt the California emission standards
11 over the federal tailpipe standards. These
12 states, in combination, represent over 40 percent
13 of the nation's vehicle market. Congress provided
14 states two options when it comes to reducing
15 pollution from cars and trucks.

16 We can adopt more stringent emission
17 standards or we can accept the federal weaker
18 tailpipe emission standards. By choosing to adopt
19 the California standards, states protect
20 themselves from future federal regulatory and
21 policy rollbacks, as well as continuing to realize
22 deeper reductions in pollution from cars and
23 trucks. However, we do have to check some boxes.
24 We have to adopt identical regulations and provide
25 the auto industry two years advanced notice.

1 The EPA has recently announced a
2 proposal to tighten the federal emission
3 standards. EPA is seeking comments on that
4 proposal.

5 The Department Of Natural Resources
6 And Environmental Control obtains its authority to
7 regulate and reduce air pollution and air
8 contaminants from legislation passed by the
9 Delaware general assembly. The Delaware statute
10 authorizes the department to regulate emissions.
11 That authority is found in title 7, chapter 60 and
12 67.

13 Delaware adopted California's more
14 stringent tailpipe emission standards known as low
15 emission vehicle standards over ten years ago and
16 they are in place today.

17 In 2012, California Air Resources
18 Board adopted emission standards to reduce smog
19 forming emissions beginning with the 2015 model
20 year vehicles.

21 The Advanced Clean Car Program
22 combined three elements. One was the low emission
23 vehicle standards. Two was greenhouse gas
24 standard and three was zero emission vehicle
25 requirements for new passenger cars and trucks.

1 The low emission vehicle three
2 program provided an increasingly more stringent
3 emission standards for both criteria air
4 pollutants and greenhouse gas for new passenger
5 vehicles and light duty trucks in the 2025 model
6 year.

7 The low emission vehicle three
8 criteria standards were developed to address the
9 continued increase in driving while also improving
10 air quality. Delaware chose to only adopt the
11 first two elements.

12 Implementation of this regulation was
13 estimated to result in cars emitting 75 percent
14 less smog forming pollution in 2025 than the
15 average car sold in 2012.

16 The greenhouse gas component was
17 developed in coordination with the United States
18 Environmental Protection Agency and National
19 Highway Traffic Safety Administration for one
20 national program to harmonize the greenhouse gas
21 and fuel economy standards, also known as CAFE
22 standards.

23 The zero emission vehicle requirement
24 is designed to achieve the long term emission
25 reduction goals by requiring auto manufacturers to

1 offer specific numbers of the cleanest cars
2 available for sale.

3 These vehicle technologies include
4 full battery electric, hydrogen fuel cell and plug
5 in hybrid electric vehicles. Over the last 30
6 years, zero emission vehicle requirements have
7 been modified to reflect the state of technology.

8 Modifications adopted in 2012, along
9 with the other two advanced clean car elements
10 have set a market on the path towards zero
11 emission vehicle commercialization with the
12 resurgence of battery technology, enabling auto
13 manufacturers to offer competitively priced zero
14 emission vehicles to consumers.

15 Since 2010, more than 1 million zero
16 emission vehicles and plug in hybrids have been
17 registered in California and other states who have
18 adopted advanced clean car one.

19 The climate action plan released in
20 2021, recommended that Delaware consider the
21 adoption of all three components for advanced
22 clean car in order to close the gap and meet our
23 greenhouse reduction commitments. In March of
24 last year, our Governor directed the Department Of
25 Natural Resources And Environmental Control to

1 begin the regulatory development process for
2 adding zero emission standards to our strategies
3 for reducing and controlling emissions from
4 vehicles.

5 The department is proposing to adopt
6 the three elements of the California clean car
7 program beginning with model year 2027.

8 Tonight's proposal requires auto
9 manufacturers to produce and deliver for sale new
10 vehicles that meet emission standards, which will
11 provide real reduction in vehicle emission from
12 Delaware's passenger cars, light duty trucks and
13 medium duty vehicles. As required by the Clean
14 Air Act, our proposed regulation will commence
15 with model year 2027.

16 Reductions in vehicle emissions will
17 help Delaware meet the federally established
18 health -- health-based air quality goals and
19 address the transportation emissions impact our
20 communities located near our roads and highways.

21 This means vehicle owners do not
22 comply with this program. This program does not
23 ban gasoline and diesel vehicles. This proposal
24 does not prohibit you from registering the
25 gasoline or diesel vehicle, which you currently

1 own.

2 Gasoline and diesel vehicles are
3 projected to remain on our roads and comprise over
4 70 percent of the Delaware fleet in 2035.

5 Compliance is achieved by the auto
6 manufacturers designing, producing and certifying
7 their products to meet the requirements before
8 delivering them for sale in Delaware.

9 Many of the large auto manufacturers
10 such as Ford, GM, Volvo and Volkswagen, have
11 already announced their plans to produce zero
12 emitting vehicles and deliver them to market.
13 Some announced goals to be completely carbon free.
14 The clean car standards only apply to new, light
15 and medium duty vehicles for sale in Delaware.
16 The clean car standards do not apply to off-road
17 or heavy duty vehicles, like farm equipment or
18 semi-trucks. And they do not apply to existing
19 vehicles or used vehicles for sale. So what part
20 of the Delaware fleet is covered?

21 The group of vehicles these
22 requirements pertain to, light duty passenger cars
23 and trucks and medium duty vehicles up to 14,000
24 pounds. Vehicles that do not operate on Delaware
25 roads and highways are considered to be non-road

1 or off-road vehicles and are not covered by this
2 program.

3 The vehicle -- the regulation does
4 not affect agricultural equipment, construction
5 vehicles and other vehicles weighing more than
6 14,000 pounds. Emergency vehicles are exempt from
7 the current regulations and will continue to be
8 exempt with this proposal.

9 Many of our commercial sector
10 delivery companies have already announced their
11 plans to transition to zero emitting vehicles for
12 their class three vehicles. FedEx, United States
13 Postal Service and Amazon, as well as Walmart.

14 You may have seen recent
15 announcements and commercials showcasing new
16 vehicles auto manufacturers are producing. Over
17 150 new vehicles are expected by 2025. When would
18 Delaware require compliance? Beginning with model
19 year 2027.

20 The advanced clean car program
21 applies to vehicle manufacturers and not vehicle
22 owners. Beginning with model year 2027,
23 automobile manufacturers will be delivering
24 increasing numbers of new zero emitting vehicles
25 to Delaware.

1 The department's proposal includes
2 changing title of the regulation from the low
3 emission vehicle program to the advanced clean car
4 program, amend the applicability and add zero
5 emission vehicle requirements by incorporating, by
6 reference, the California Code of Regulations.
7 Incorporating by reference means, that rather than
8 writing out the entire regulation in our
9 administrative code, we reference the source of
10 the original regulation. You can think of the
11 term reference like citation in writing a report.

12 Advanced clear cars two will provide
13 various flexibility mechanisms for helping with
14 compliance by our nation's car makers.

15 Plug-in hybrid electric vehicle
16 flexibility, manufacturers may fulfill a portion
17 of their total annual zero emission vehicle
18 requirement with plug-in hybrid electric vehicles
19 produced and delivered for sale. Environmental
20 justice vehicle values, manufacturers may fulfill
21 a portion of their total annual zero emission
22 vehicle requirement with additional vehicle values
23 earned according to the following provisions.

24 New zero emission vehicles and
25 plug-in hybrids provided for use in community

1 based clean mobility programs, new 2024 through
2 2031 model year zero emission vehicles and plug-in
3 hybrids provided for use and community based clean
4 mobility programs in Delaware, will earn
5 additional vehicle values that can be used to meet
6 a portion of the manufacturers annual zero
7 emission vehicle requirement.

8 Vehicles in Delaware sold at the end
9 of -- end of lease to participating dealerships.
10 Zero emission vehicles or plug-in hybrids
11 initially leased in California and sold at the end
12 of lease to a Delaware dealership participating in
13 a financial assistance program, will earn
14 additional vehicle values that can be used to meet
15 a portion of the manufacturer's annual zero
16 emission vehicle requirement. New zero emission
17 vehicles and plug-in hybrids below the MSRP
18 threshold. An additional .1 vehicle value will be
19 earned by a manufacturer for each 2026, through
20 2028 model year zero emission vehicles or plug-in
21 hybrids delivered for sale in Delaware with an
22 MSRP less than or equal to \$20,275 for passenger
23 cars, and less than or equal to \$26,670 for
24 lights-duty trucks.

25 For the purposes of this section, the

1 MSRP values shall be adjusted annually, beginning
2 in 2026 model year per subsection E.2.F

3 Early compliance vehicle values.
4 Manufacturers may fulfill a portion of their total
5 annual zero emission vehicle requirement with
6 early compliance vehicle values earned.

7 Pooling, to provide flexibility for
8 manufacturers for model years 2026 through 2030
9 advanced clean car two includes pooling, which
10 allows manufacturers to move a specified
11 percentage of excess zero emission vehicle values
12 -- excess zero emission vehicle and plug-in hybrid
13 credit values earned in one state for use in
14 another state, where there's a short fall relative
15 to the requirement.

16 Our emissions analysis shows total
17 emissions for reduction by 2035. Delaware
18 citizens will have realized reduction in nitrogen
19 oxides of 502 tons, particulate matter of 38 U.S.
20 tons and a well to wheel carbon dioxide of 5.3
21 million metric tons.

22 The annual health outcomes of
23 Delaware's adoption of advanced clean car two were
24 estimated with EPA's cobra model. Cobra estimates
25 the change in number of cases and their economic

1 values for particulate matter associated health
2 effects. EPA's model uses particulate matter as a
3 proxy for health impacts.

4 In general, adopting advance clean
5 car two reduces on road mobile source emissions
6 and gasoline production and distribution
7 emissions, but would increase the electric
8 generation emissions. The net health benefit of
9 these emission changes in Delaware is \$37.1
10 million.

11 While advanced clean car two would
12 not result in any direct costs on individuals, car
13 buyers would be indirectly affected. Vehicle
14 manufacturers are expected to see increased costs
15 as a result of their requirements and advanced
16 clean car two and they will likely pass the cost
17 on to individuals through higher priced vehicle.
18 Thus it is important to understand any indirect
19 cause to the individual consumer.

20 Most zero emission vehicle purchasers
21 are estimated to realize significant operational
22 savings through reduced fuel energy costs or
23 repair and maintenance costs. The total cost of
24 ownership results in a net savings within the
25 first year of the vehicle ownership.

1 Total costs of ownership analysis
2 does not incorporate financial incentives due to
3 the uncertainty that these incentives will be
4 available during the time period of the
5 regulation.

6 To the extent that federal, state,
7 local, utility, other or incentives are available,
8 the total costs of ownership would be even more
9 favorable for battery electric vehicles and
10 increase the favorability for plug-in hybrids and
11 fuel cell electric vehicles.

12 Cost comparisons for zero emission
13 vehicles versus internal combustion engines,
14 after ten years of ownership, electric vehicles
15 with a home charger would result in cost savings
16 of \$10,906, with pay back period of 1.8 years.

17 Electronic vehicles without a home
18 charger would result in a cost savings of \$4,250.
19 Plug-in hybrids with a home charger would result
20 in a cost of \$1,046.

21 During the public workshops and in
22 person -- and in comments received by the
23 department, many people voiced concerns about
24 vehicle price and availability of fueling
25 infrastructure and access for people in multi-unit

1 dwellings or downtown areas.

2 Planning and policy development for
3 the transition to zero emission vehicles has been
4 underway in the State of Delaware for at least a
5 decade.

6 This includes state-wide legislation
7 and policy and local-level ordinances and funding
8 and incentives. Significant federal funding
9 through the bipartisan infrastructure bill and
10 Inflation Reduction Act are also helping to
11 accelerate deployment of zero emission vehicles
12 and fueling stations.

13 The Delaware Department Of
14 Transportation and the Delaware Department Of
15 Natural Resources and Environmental Control,
16 Division of Climate Coastal and Energy, are
17 developing a Delaware statewide electric vehicle
18 charging plan. The statewide plan, which will
19 help guide charging station locations and
20 feasibility with special interest in serving rural
21 communities, disadvantaged communities and those
22 who live in multi-unit dwellings. The plan will
23 bolster areas that have high electric vehicle
24 adoption, as well as prepare areas with low
25 adoption to be ready and secure in the alternative

1 fuel transition.

2 The following is the department's
3 list of exhibits to be entered into the hearing.
4 Docket number 2022-R-A-0011 for the proposed
5 amendment to 7DE Admin. Code 1140, Delaware low
6 emission vehicle program. Docket number
7 2022-R-A-0011.

8 Exhibit 1, start action notice
9 approved by the secretary on July 26th, 2022.

10 Exhibit 2, interested parties list.

11 Exhibit 3, key stakeholder meeting,
12 October 13th, 2022.

13 Exhibit 3A, key stakeholder invite,
14 October 13th, 2022.

15 Exhibit 3B, attendance list, October
16 13th, 2022.

17 Exhibit 3C, minutes record, October
18 13th, 2022.

19 Exhibit 3D, presentation, October
20 13th, 2022.

21 Exhibit 3E, Zoom transcript, October
22 is 13th, 2022.

23 Exhibit 4, key stakeholder meeting on
24 October 26th, 2022.

25 Exhibit 4A, key stakeholders invite,

1 October 26th, 2022.

2 Exhibit 4B attendance list, October
3 26th, 2022.

4 Exhibit 4C.

5 THE HEARING OFFICER: Kyle, I'm
6 sorry, can I interrupt? Can you slow down a
7 little bit?

8 MR. KRALL: Okay.

9 THE HEARING OFFICER: Thank you.

10 MR. KRALL: Exhibit 4C, minutes
11 record, October 26th, 2022.

12 Exhibit 4D, presentation, October
13 26th, 2022.

14 Exhibit 4E, Zoom transcript, October
15 26th, 2022.

16 Exhibit 5, public workshop, November
17 15th, 2022.

18 Exhibit 5A, legal ad news journal,
19 November 15th, 2022.

20 Exhibit 5B, legal ad state news,
21 November 15th, 2022.

22 Exhibit 5C, legal ad, November 15th,
23 2022.

24 Exhibit 5D, attendance list, November
25 15th, 2022.

1 Exhibit 5E, minutes record, November
2 15th, 2022.

3 Exhibit 5F, presentation, November
4 15th, 2022.

5 Exhibit 5G, Zoom transcript, November
6 15th, 2022.

7 Exhibit 6, public workshop, November
8 16th, 2022.

9 Exhibit 6A, legal ad news journal,
10 November 16th, 2022.

11 Exhibit 6B, legal ad states news,
12 November 16th, 2022.

13 Exhibit 6C, attendance list, November
14 16th, 2022.

15 Exhibit 6D, minutes record, November
16 16th, 2022.

17 Exhibit 6E, presentation, November
18 16th, 2022.

19 Exhibit 6F, Zoom transcript, November
20 16th, 2022.

21 Exhibit 7, public workshop, November
22 17th, 2022.

23 Exhibit 7A, legal ad news journal,
24 November 17th, 2022.

25 Exhibit 7B, legal ad state news,

1 November 17th, 2022.

2 Exhibit 7C, attendance list, November
3 17th, 2022.

4 Exhibit 7D, minutes record, November
5 17th, 2022.

6 Exhibit 7E, presentation, November
7 17th, 2022.

8 Exhibit 7F, Zoom transcript, November
9 17th, 2022.

10 Exhibit 8, public workshop on
11 December 13th, 2022.

12 Exhibit 8A, legal ad news journal,
13 December 13th, 2022.

14 Exhibit 8B, legal ad state news,
15 December 13th, 2022.

16 Exhibit 8C, legal ad, December 13th,
17 2022.

18 Exhibit 8D, attendance list, December
19 13th, 2022.

20 Exhibit 8E, minutes record, December
21 13th, 2022.

22 Exhibit 8F, presentation, December
23 13th, 2022.

24 Exhibit 8G, Zoom transcript,
25 December 13th, 2022.

1 Exhibit 8H, online notice, December
2 13th, 2022.

3 Exhibit 9, public workshop, December
4 15th, 2022.

5 Exhibit 9A, legal ad news journal,
6 December 15th, 2022.

7 Exhibit 9B, legal ad state news,
8 December 15th, 2022.

9 Exhibit 9C, attendance list, December
10 15th, 2022.

11 Exhibit 9D, minutes record, December
12 15th, 2022.

13 Exhibit 9E, presentation, December
14 15th, 2022.

15 Exhibit 9F, Zoom transcript, December
16 15th, 2022.

17 Exhibit 10, comments received through
18 December 2nd, 2022.

19 Exhibit 11, comments received through
20 December 30th, 2022.

21 Exhibit 12, comments received through
22 March 31st, 2022.

23 Exhibit 13, public hearing.

24 Exhibit 13A, public notice.

25 Exhibit 13B, notice email.

1 Exhibit 13C, notice web page.

2 Exhibit 13D, legal ad news journal.

3 Exhibit 13E, legal ad state news.

4 Exhibit 14, department's statement
5 presentation.

6 Exhibit 15, technical support
7 document.

8 Exhibit 16, California Code of
9 Regulations.

10 Exhibit 16A, California emissions
11 standards 2015 to 2025.

12 Exhibit 16B, California emissions
13 standards 2018 to 2025.

14 Exhibit 16C, amendments to sections
15 1900, 1961.2, 1961.3, 1965, 1976, 1978, 2037,
16 2038, 2112, 2139, 2140, 2147, 2317, 2903.

17 Title 13, California Code of
18 Regulations.

19 Exhibit 16D, adoption of new section
20 1961. title 13, California Code of Regulations.

21 Exhibit 16E, amendments to section
22 1962.2, title 13, California code of regulations.

23 Exhibit 16F, amendments to section
24 1962.3, title 13, California Code of Regulations.

25 Exhibit 16G, amendments to section

1 1962.4 title 13, California Code of Regulations.
2 Exhibit 16H, amendments to section
3 1962.5, title 13, California Code of Regulations.
4 Exhibit 16I, amendments to section
5 1962.6, title 13, California code of regulations.
6 Exhibit 16J, amendments to sections
7 1962.7, title 13, California code of regulations.
8 Exhibit 16K, amendments to section
9 1962.8, title 13, California Code of Regulations.
10 Exhibit 16L, amendments to section
11 1968.2, title 13, California code of regulations.
12 Exhibit 16M, section 2116, title 13,
13 California Code of Regulations.
14 Exhibit 16N, section 2117, title 13,
15 California Code of Regulations.
16 Exhibit 16O, section 2118, title 13,
17 California code of regulations.
18 Exhibit 16P, section 2119, title 13,
19 California Code of Regulations.
20 Exhibit 16Q, section 2120, title 13,
21 California Code of Regulations.
22 Exhibit 16R, section 2121, title 13,
23 California code of regulations.
24 Exhibit 16S, section 222, title 13,
25 California Code of Regulations.

1 Exhibit 17, supporting documentation.

2 Exhibit 17A, appendix A, SCOM

3 emissions excel.

4 Exhibit 17B, ERG excel.

5 Exhibit 17C, University of Delaware

6 study.

7 Exhibit 18, proposed amendments to 7

8 DE admin code 1140.

9 This concludes the department's
10 presentation.

11 THE HEARING OFFICER: Thank you,
12 Mr. Krall. Before I mark the exhibits into the
13 record, I want to note that the -- all of the
14 exhibits that Mr. Krall did provide to us were
15 correct, however the slides were -- may have had a
16 typo on them. If you could get me a revision to
17 the first slide. I believe, it was listed as
18 2023. And I believe, per what you said, it's
19 2022. And I believe that is correct as to what
20 you verbally said. That would be great.

21 However, I did receive all the
22 exhibits that you submitted to me. And I hereby
23 mark those exhibits as department's exhibits 1
24 through 18.

25 With the conclusion of the

1 department's presentation, we will now be taking a
2 five-minute break before we head into public
3 comment portion of tonight's hearing.

4 But before we do so, I want to thank
5 everyone who has stayed with us for the past 45
6 minutes or so. Once we resume back from the
7 meeting, we will begin the public comment portion
8 of the hearing and go over some rules before we
9 get started.

10 We will be back at about 6:55 p.m.,
11 if you could join back in. Thank you.

12 (A break was taken.)

13 THE HEARING OFFICER: So the time is
14 now 6:58. I apologize for that. We will now
15 resume the hearing now that you can hear me. We
16 will begin the public comment portion of tonight's
17 hearing.

18 Those who have pre-registered by noon
19 today with DNREC to offer live comment for
20 inclusion into the hearing record being generated
21 in this matter, will be called upon in the order
22 the registration was received.

23 For those who attempted to register
24 after 12 p.m. noon today, you will not be
25 recognized to offer live comment tonight.

1 Please remember you still have until
2 Friday, May 26th, to submit your written comments.
3 And, again, all comments have the same weight
4 regardless of whether they are received verbally
5 or in writing.

6 Jennifer Childears with the DNREC's
7 division of air quality will be orchestrating the
8 comment portion of tonight's proceeding. Ms.
9 Childears will announce the name of the person
10 that is in line to speak, and will also announce
11 the following speaker so that you can prepare
12 yourself for your turn, that would be next.

13 At the time your name is called, you
14 will receive a prompt to unmute yourself. A popup
15 on your screen will appear, and you will need to
16 click the blue unmute button to begin your verbal
17 comments.

18 For those that are calling in to
19 offer comment, once your name is called, you will
20 hear a prompt to press star 6 to unmute yourself
21 and then you may begin.

22 If for any reason you are having
23 technical issues or missed your name being called,
24 we will call your name twice and move on to the
25 next speaker. We encourage you to please submit

1 your comment in writing if you are not able to
2 provide your verbal comment tonight.

3 For those that are located at the
4 Kent County Levy Court, there is staff available
5 to guide you to the microphone to offer your
6 comment when it is your turn.

7 Before I hand it over to Miss
8 Childears, I, again, want to stress the following
9 parameters for tonight's hearing as it pertains to
10 the comment hearing portion of tonight. Comment
11 must be related to the subject matter of tonight's
12 hearing. Each preregistrant will be given three
13 minutes to offer their comments for the record.

14 The timer will begin when the
15 commenter starts talking, and the system will
16 automatically remute the commenter at the
17 three-minute mark. The commenter's video will
18 remain off while speaking.

19 There is no sharing or yielding of
20 each commenter's three minutes. If the same
21 comment has already been offered, consider saying
22 something different with your three minutes of
23 time or, again, due to the number of persons who
24 are preregistered to speak live tonight, consider
25 submitting your comments in writing now -- or I'm

1 sorry, between now and May 26th. There is no
2 limit on the amount of written comment that you
3 may submit. While the department appreciates all
4 comments received, there will be zero tolerance
5 policy in effect for disruptive behavior,
6 disparaging remarks, offensive language or
7 personal attacks.

8 Should comments start to fall in such
9 unfortunate negative categories, I will interrupt
10 the commenter with a warning, once. If the
11 disrespectful tone continues, the commenter will
12 be remuted immediately and removed from the
13 meeting, regardless of how much time they have
14 left.

15 This is a formal legal proceeding and
16 as such, it should be given respect by all in
17 attendance this evening.

18 With that being said, Miss Childears,
19 please begin with calling the first commenter and
20 the next commenter that will be up to speak after.

21 MS. CHILDEARS: Thank you. Our first
22 commenter is Denise Clendenning, followed by
23 Sherry Long.

24 DENISE CLENNENNING: Hello, you can
25 hear me? My name is Denise Clendenning. I did

1 hear testimony this evening speaking of the air
2 quality in Delaware. The big concern here is,
3 what about what these lithium ion batteries, the
4 toxins they give off and what they do to the
5 environment? And what's going to happen with the
6 Lithium ion batteries? As far as I know, they're
7 not recyclable. So these large hundreds of pounds
8 of batteries will literally go into our soil and
9 into our aquifers and ultimately into our drinking
10 water.

11 The New York City Fire Department has
12 posted tons of videos on the E-bikes. when people
13 are charging them, they catch fire. These fires
14 are explosive. So when these fires do occur, they
15 need thousands of gallons of water to extinguish
16 those.

17 And sometimes, they can also
18 reignite. And that has happened with Lithium ion
19 batteries in vehicles, also. And it also brings
20 up what happens with our water supply. And also,
21 the concern is the electric itself.

22 Being able to charge these vehicles
23 and have everybody with Lithium ion battery car by
24 2035, where are we getting the electric from?
25 What is the price going to be? Also, what about

1 the price of the cars themselves? They at least
2 start at \$60,000. We never purchased a car in
3 that amount in our entire lifetime and neither
4 have our children. I purchased -- the most
5 expensive vehicle I purchased was used at \$15,000.
6 We like to pay cash. So -- and I still have that
7 vehicle. It's a 2008. Which also brings what
8 happens when people still have older vehicles on
9 the road? Some vehicles on the road for 30, 40 or
10 more years.

11 It's basically dictating to people
12 when you have to purchase, what you have to
13 purchase and what you have to spend. You have no
14 idea what's in people's budgets, and it's
15 extremely, extremely an over reach and unfair for
16 people especially of lower, even middle income.

17 This is not for people that can just
18 buy all these expensive cars and may be needing to
19 do that every ten years because these batteries
20 last about seven to ten years. Who is going to
21 buy an EV used car? You can always buy a
22 gas-powered or diesel-powered vehicle at a decent
23 price. Those days will be over. The children
24 that just are starting to drive, do you think
25 they'll start out with a \$60,000 car when they

1 might not even have a job yet. Kids that are
2 going to college, how do you think this is going
3 to be affordable to the people of this state?

4 You're talking about the environment.
5 We do understand there's always environmental
6 issues. But these lithium batteries, what are you
7 doing with them when they totally discharge and
8 are no good anymore? Where are they going to go?
9 Because they are going to destroy the environment
10 and it's very surprising to hear a lot of the
11 environmental groups --

12 THE HEARING OFFICER: Our current
13 speaker is Sherry Long. Followed by Linda Hurka.

14 SHERRY LONG: My name is Sherry Long.
15 Thank you, Kyle. You did a wonderful job on the
16 presentation. As a citizen stakeholder in the
17 Delaware Clean Energy Committee Forum, I'm here
18 today to oppose the California mandatory
19 regulations on Delawareans.

20 Besides the fact that we are not
21 California, with their pollutants caused by
22 multiple conditions that are not on our east end
23 coast, Delaware already is diligently working on
24 our clean resources.

25 For anyone who is paying attention,

1 we have already reduced our emissions. And for
2 southern Delaware, the cooperative is already
3 exceeding the powers clean energy agreement.

4 What concerns me most of all, is that
5 we continue to express that the technology of
6 industry will quote, unquote, hopefully catch up
7 to what we are considering is a requirement for
8 our clean energy requirements of this California
9 plan.

10 However, even California is
11 continuing to change their plan, as the worst
12 possible scenarios have been occurring in their
13 state. Please, refer back to the exhibits in the
14 presentation, under section 16, explaining the
15 multiple amendments that California has already
16 needed to do.

17 I am for green. I am for green
18 energy. I am not for mandatory ignorance,
19 especially from those who are unelected,
20 regulatory individuals with zero accountability.
21 As one who questioned the state's sustainability,
22 I was informed that PJM had zero concerns. Sadly,
23 a very real issue became realized last Christmas
24 Eve when our state's emergency management system
25 called out the all-alert.

1 It would have seemed that the
2 previous confidence of PJM was not as good as
3 suggested. Notable, that whenever I had mentioned
4 the concerns of either becoming Texas and having
5 an emergency situation, which either Delawareans
6 would freeze to death in extreme cold or die from
7 heat of the summer, I was dismissed.

8 However, it would appear that that
9 topic has now become a more relevant topic due to
10 the incident. Even our own senator, Stephanie
11 Hansen, questioned Secretary Garvin during the
12 budget committee hearings as a result and had
13 requested why there was no funding requested for
14 our state's grid system.

15 During the small-business caucus, it
16 would appear that the secretary has added some
17 quote, unquote, possibilities to work towards our
18 grid. We aren't prepared. I oppose this. Thank
19 you very much for your time.

20 THE HEARING OFFICER: Thank you, Mrs.
21 long. Mrs. Childears, before we move on to the
22 next speaker, I just want to confirm that we are
23 ready to go with the slide?

24 MS. CHILDEARS: Yes, we are ready.

25 THE HEARING OFFICER: Thank you. If

1 you can call the next speaker and the following.

2 MS. CHILDEARS: Our current commenter
3 is Linda Hurka, followed by Kathy Harris.

4 MEGAN SWEENEY: This is Megan
5 Sweeney. I'm unable to locate a Linda Hurka. If
6 there's a Linda Hurka, please raise your hand
7 using the feature in the Zoom. I'm not seeing any
8 hands raised. And we'll need to move on to the
9 next commenter.

10 MS. CHILDEARS: Okay, our current
11 commenter is Kathy Harris, followed by Tom Van
12 Heeke.

13 KATHY HARRIS: Good evening, can
14 folks hear me?

15 MS. CHILDEARS: Yes.

16 KATHY HARRIS: Wonderful. I'm Kathy
17 Harris. I am a senior advocate of the natural
18 resources defense counsel. I'm here to urge
19 Delaware to adopt the theme car standards, which
20 will help to improve the air quality and the
21 health of Delawareans and help to ensure the state
22 maximizes the benefits of transition to zero
23 emission vehicles that is already occurring.

24 Automakers have already invested over
25 \$200 billion in the United States to help bring

1 more clean cars onto our roads. These regulations
2 are a win, win, win, for the state. But tonight,
3 I'm going to talk about the economic wins
4 associated with these rules.

5 One, these regulations will help keep
6 vehicle sales in Delaware. It's important to note
7 that these regulations are only on new vehicle
8 sales and in no way affect used vehicle sales,
9 where the majority of Delawareans purchase their
10 vehicles.

11 What is does affect is Delaware's
12 ability to purchase clean cars within the state,
13 keeping money here in Delaware's economy without
14 having to travel to Maryland or New Jersey to
15 purchase the cars that drivers want.

16 Adoption of the clean car standards
17 is the only way to guarantee that auto
18 manufacturers will bring the latest models of zero
19 emission vehicles to Delaware.

20 Number two, it sends a signal to the
21 market. These regulations do not take place
22 overnight. They ramp up slowly over time helping
23 to send a strong signal to the industry to provide
24 additional investments to the state to help ensure
25 that this transition can be managed and

1 successful. All while giving state agencies
2 utilities and other entities within the state
3 certainty and the ability to plan accordingly for
4 the future.

5 And number three, EVs are also good
6 for driver's wallets. As we saw last year, the
7 price of gasoline is volatile. And is a major
8 reason why transportation is a large source of
9 energy burden for households. EVs are cheaper to
10 refuel than a gasoline vehicle, and the price of
11 electricity is inherently more stable than
12 gasoline, helping for families plan their
13 transportation expenses without any surprises.

14 In addition to cheaper maintenance
15 costs, the up front cost of electric vehicles are
16 also decreasing. With the state and federal
17 incentives, electronic vehicles are becoming
18 cheaper to purchase for families in Delaware.

19 It's clear that these regulations are
20 a win for Delaware and will help the state be
21 competitive with our neighbors. Adoption of the
22 clean cars rule is an important step to solidify
23 Delaware as a leader and keep the state first and
24 not last in terms of the clean transportation
25 future.

1 Thank you so much for the opportunity
2 to speak tonight. I will be submitting a more
3 robust comment into the record by the May
4 deadline. Thank you.

5 MS. CHILDEARS: Our current speaker
6 is Tom Van Heeke followed by Dustyn Thompson.

7 Tom VAN HEEKE: Good evening, thank
8 you for the opportunity to speak today. My name
9 is Tom Van Heeke, senior policy advisor at Rivian
10 Automotive, where our mission is to keep the world
11 adventurous forever. Rivian is a U.S. based EV
12 manufacturer building our R1T pickup, R1S SUV and
13 electric delivery van, currently exclusive to
14 Amazon in Illinois. Our vehicles meet the
15 requirement of the ECC 2 regulations.

16 We strongly support the proposed
17 adoption of the ECC 2 standards. This action
18 reflects the states role as a committed leader and
19 address climate change reducing harmful air
20 pollution and growing the EV market. Full
21 adoption of EEC 2 will deliver in a key action
22 category in Delaware's climate action plan,
23 improve air quality and ensure access to a
24 diversion supply for sale in the state.

25 The rules are ambitious but

1 achievable. AACII was developed by California
2 after extensive development with stakeholders,
3 including industry, in a robust technical
4 feasibility and cost benefiting analysis.

5 The regulations imposed obligations
6 on vehicle manufacturers. Rivian stands ready to
7 meet those requirements with our product lineup.
8 Rivian's vehicles are proof that now is the time
9 for Delaware to adopt the ACCII standards.

10 Achieving 100 percent passenger EV
11 sales by 2035 is not only achievable, but
12 essential for achieving the states greenhouse gas
13 emissions reductions requirements and improving
14 public health. ACCII is the clear choice for
15 achieving the states ZEV and transportation
16 decarbonization goals, which only become more
17 important as our society increasingly feels impact
18 of climate change. More over, ACCII standards
19 provide much needed certainty to guide long term
20 investment for all market stakeholders and
21 participants including utilities and charging
22 providers. Rivian thanks Delaware and the
23 department for proposing your rule making package
24 that meets the moment.

25 Once again, thank you for your

1 leadership and for your hard work developing the
2 proposal. The market is ready for ACCII adoption
3 in Delaware this year. We respectfully urge the
4 department to finalize the rules. Thanks again.

5 MS. CHILDEARS: Our current commenter
6 is Dustyn Thompson followed by Larry Mayo.

7 DUSTYN THOMPSON: Thank you very
8 much. My name is Dustyn Thompson. I'm the
9 chapter director for the Sierra Club Delaware
10 Chapter. We will be submitting our official
11 comments through the online portal for the
12 official record. I wanted to speak tonight here,
13 as well. There are no missed reasons to support
14 the Advanced Clean Car II program being adopted in
15 Delaware, as it being done by nearly all of our
16 neighboring states.

17 Air quality, of course, is at the
18 very top of that list, but tonight, I'm going to
19 focus on how the decision will impact the local
20 marketplace and our infrastructure development in
21 the State of Delaware. There are currently over 90
22 electrified vehicle car models available in the
23 United States. Globally, that number jumps to
24 over 300 total unique models. However, you would
25 never know this by looking at what is available

1 here in Delaware. Why that is, is because we are
2 not part of this program.

3 We know that the proliferation of
4 technology follows a pattern. You can look it up.
5 It's called the S curve technology. We saw this
6 in telephones and internet and automobiles back in
7 the day. Technology starts out in a novel idea
8 that only the most engaged are aware of.

9 Then it starts getting talked about
10 and purchased by early adopters. But before long
11 there comes a tipping point at 5 percent
12 proliferation. After that tipping point, the
13 technology has been proven and adoption and
14 proliferation is nearly inevitable. Most of the
15 world passed that 5 percent point with EV quite
16 some time ago. Our neighboring states did so in
17 the last few years, and Delaware actually did so
18 last year.

19 So why are we not seeing EVs on the
20 lots in Delaware? That is because we are not a
21 part of this program, which signals to auto makers
22 which states to prioritize when delivering these
23 cars. Whether we join this program will not have
24 an impact on the regional or global market. It
25 won't change the prioritization of other states,

1 but it will determine if we become a priority.

2 With this program, Delaware car
3 buyers can become a priority from the market
4 rather than being forced to wait for months on low
5 priority orders when they do determine that they
6 would like these vehicles. This also adds impact
7 and infrastructure investment as these are largely
8 driven by expected demand.

9 Make no mistake, this transition is
10 and will continue to happen. The only question
11 left is if we would rather have a gradual
12 transition that prioritizes our state and its
13 citizens or if we want to wait and play catch up
14 at our own expense later down the road. That is
15 why we are encouraging tonight and will be
16 submitting more longer comments in support of
17 adopting ACCII and help make sure that the market
18 continues -- or starts to prioritize Delaware.
19 Thank you.

20 MS. CHILDEARS: Our current commenter
21 is Larry Mayo. Followed by Robert King.

22 LARRY MAYO: I'm Larry Mayo.
23 Vice-president of Institute On The Constitution,
24 and senior instructor of the Delaware State
25 Constitution, which I've been teaching for two

1 years, researching for three, and studying for
2 three.

3 First of all, I would like to state
4 that, if you notice on our great seal, there's a
5 banner underneath the figures in the center that
6 says liberty and independence. You see, Delaware
7 is an independent state. And our declaration of
8 independence, describes a state as the state of
9 Great Britain that we separated from.

10 Now, in our constitution, the
11 executive branch, which is what DNREC is part of
12 and the secretary answers to the Governor, the
13 executive branch has no constitutional authority
14 to legislate or to make law. It's only lawfully
15 authorized to enforce Delaware laws. And the
16 preamble, the Delaware state constitution, says
17 that through divine goodness, all people have, by
18 nature, and it continues, of acquiring and
19 protecting reputation and property and in general
20 obtaining objects suitable to their condition
21 without injury by one to another, and these rights
22 are essential to their welfare.

23 Since you swore an oath before God to
24 uphold and follow the constitution, and defend the
25 constitution, make sure others follow the

1 constitution, both the Delaware state and the U.S.
2 constitutions, and we all know violation of that
3 oath is perjury.

4 And ignorance of the law, including
5 the supreme law of the state and the nation, is
6 not a valid defense in any court.

7 What Delaware Statute authorizes
8 DNREC or the secretary or the Governor to dictate
9 commerce. Now you have authority to regulate
10 commerce. But you cannot dictate commerce. You
11 cannot dictate to the auto dealers that they
12 cannot sell a legal product. So therefore, I
13 would say that this regulation is a violation of
14 the state constitution. There is -- California's
15 laws are foreign laws to Delaware.

16 They're just as foreign as France's
17 laws, even though they're part of the United
18 States, they're a separate, independent state,
19 too.

20 So until Delaware's legislature
21 passes a law, giving you the authority to do this
22 regulation, specifically, you don't have that
23 authority.

24 And I thank you for your time. And I
25 hope you'll enjoy and follow the constitution.

1 MS. CHILDEARS: Our next commenter is
2 Robert King. Followed by George Werner.

3 MRS. SWEENEY: This is Megan Sweeney.
4 There is not a Robert King on the call tonight.
5 If Robert King called in by phone and would like
6 to raise your hand please use the Zoom function to
7 do so.

8 MRS. SWEENEY: Not seeing a hand
9 raised, we'll move to the next commenter.

10 MS. CHILDEARS: Our current commenter
11 is George Werner followed by Julie Nay.

12 MRS. SWEENEY: Again, I'm not seeing
13 a participant named George Werner, if you called
14 in on the phone, please use the Zoom function to
15 raise your hand.

16 MS. CHILDEARS: Our current commenter
17 Julie Nay followed by Shweta Arya. Julie Nay?

18 MRS. SWEENEY: There's not a
19 participant named Julie Nay. If you would use the
20 hand raise to identify yourself if you're present.

21 MRS. SWEENEY: We will need to move
22 on to the next commenter.

23 MS. CHILDEARS: Our current commenter
24 is Shweta Arya followed by Tom Brett.

25 SHWETA ARYA: Good evening. Can you

1 hear me all right?

2 MS. CHILDEARS: Yes.

3 SHWETA ARYA: My name is Shweta Arya.
4 I'm speaking on behalf of Delaware Interfaith
5 Power and Light, a faith based environmental
6 nonprofit working in Delaware to address climate
7 change as a moral issue. I'm here to show my
8 strong support for advanced clean car rule and its
9 adoption in Delaware.

10 At Delaware IPL, we believe it is our
11 moral obligation to take a bold and just action on
12 climate change as we know that the climate impacts
13 disproportionately affects our most vulnerable
14 communities. Climate science is loud and clear.
15 We need to stop burning fossil fuels, oil, gas,
16 coal and start adding more climate warming carbon
17 in our atmosphere. As said earlier in your DNREC
18 presentation, rightly, transportation emissions
19 are responsible for a big chunk of our greenhouse
20 gas emissions and they are hazardous to human
21 health, especially to the over burdened
22 communities.

23 Adopting ACCII rules is our golden
24 opportunity to reduce our transportation emissions
25 drastically and move towards cleaner vehicles that

1 don't poison our environment, attract millions of
2 dollars in electronic vehicle infrastructure
3 making things cheaper and accessible, especially
4 to low wealth communities. Our future is
5 electric. The faster we transition, the better it
6 is for our health and our environment. I would
7 like to urge DNREC and Governor Carney to help
8 make Delaware a leader on clean transit and join
9 ACCII Clean Cars Program. Thank you so much.

10 MS. CHILDEARS: Our current commenter
11 is Tom Brett. Followed by Jennifer Peasnall. Tom
12 Brett?

13 TOM BRETT: I'm testifying tonight in
14 support of the proposed low emission vehicle
15 program. We are beyond the debate stage that
16 climate change is real and if not addressed will
17 cause catastrophic damage to societies around the
18 globe. It is also clear that auto emissions
19 contribute about one fifth of the U.S.'s global
20 warming pollution.

21 Therefore, car emissions must be
22 addressed if we are to make any meaningful headway
23 towards ensuring a livable future. I implore
24 Governor Carney and Secretary Carney to reply upon
25 proven science and to act in the best interest of

1 future generations who will inherent the results
2 of the decisions we make today.

3 It is our moral responsibility to
4 leave the world a better place for those who come
5 after us. Republicans in my home county of Sussex
6 conducted a series of town hall meetings in
7 opposition to the program. The meeting I attended
8 was moderated by Representative Rich Collins who
9 is flanked by Senators Hocker and Townsend.

10 Collins stated, quote, we need to
11 follow the science, folks. We need to work with
12 correct information to make such an important
13 decision, end quote.

14 The science expert who Collins
15 introduced was Dr. David Legates, whose
16 presentation focused on casting doubt on the
17 severity of climate change and the human causes of
18 warming. He stated that carbon dioxide is plant
19 food and not a pollutant.

20 David Legates is an extreme outlier
21 in the universe of climate science. In the waning
22 months of his administration, climate change
23 denier, Trump, appointed him to a top post at
24 NOAA, I encourage everyone to Google David Legates
25 and come to their own conclusions as to his motives

1 and affiliations. It's far civil to state we need
2 to look at the science and then to rely upon an
3 individual whose message is, don't look up.

4 We need serious minded leaders that
5 are respectful of the environment they lead for
6 generations to follow us. Not only do we need to
7 embrace renewable energy to make existence more
8 livable decades from now, but we need to seize on
9 the opportunity to provide careers and renewable
10 energy in Sussex County for our children and
11 grandchildren. The growth of clean energy will
12 stimulate innovation and create good paying jobs.

13 Plans are in place to partner with
14 technical and vocational schools to provide
15 electric vehicle maintenance and repair training.
16 Similarly, investments in wind and solar energy
17 can create jobs and careers in those industries.
18 Our children don't have to leave Sussex County to
19 build solid careers if we have the foresight to
20 invest in the future.

21 Based on the average age of those
22 attending the town hall I was at, having their
23 choice of gas or electric in 2036 won't be
24 material. The young ones we should be looking out
25 for will be taking keys away from us by 2036. The

1 time is now to care for those who will care for
2 us.

3 MS. CHILDEARS: Our current commenter
4 is Jennifer Peasnall followed by Stephen Ranck.

5 JENNIFER PEASNALL: I'm more --
6 unfortunately, I was not able to speak at the
7 quote, unquote town halls. I discovered quickly
8 that they were not --

9 MS. CHILDEARS: I'm sorry --

10 JENNIFER PEASNALL: Yes, of course.
11 Is my time like -- okay.

12 Hi, my name is Jennifer Peasnall.
13 Delaware is my home. I grew up in Long Neck and
14 received a degree in the environmental field at
15 the University of Delaware.

16 After doing much research and hearing
17 misinformation being spread from a certain side on
18 the subject, I am even more invested in supporting
19 ACCII. Unfortunately, I was not able to speak at
20 those quote, unquote town halls. I quickly
21 discovered they were only there to spread
22 misinformation.

23 I think that it's important to note
24 this because it means that many Delawareans have
25 been lied to about what ACC is and what it

1 entails. I know the reason for passing ACCII is
2 to help increase air quality, which it will. Less
3 gas powered vehicles means less noxious fumes in
4 our air. However, I want to emphasize a different
5 point. The primary reason why I, a young
6 Delawarean, am advocating for ACCII, human caused
7 climate change --

8 THE COURT REPORTER: I really
9 apologize. I don't mean to interrupt. You need
10 to go back to less gas powered vehicles means less
11 noxious fumes.

12 JENNIFER PEASNALL: Okay. So less
13 gas powered vehicles means less noxious fumes in
14 our air. However, I want to emphasize a different
15 point --

16 MS. CHILDEARS: Miss Peasnall, I'm
17 sorry. Can I have you please slow down? We will
18 add more time, since you've been interrupted a
19 couple times. But we do need you to slow down
20 some.

21 JENNIFER PEASNALL: Okay.
22 Human-cause climate change. The IPCC report
23 released in the beginning of 2023 summarized five
24 years of climate research done by professional
25 accredited climatologist. It found that we are on

1 track to be at or above a 2.7 degree Fahrenheit
2 increase globally by 2030. Many scientists say
3 that a temperature increase of this kind is the
4 point of no return. Most agree, that if we reach
5 this temperature increase, we will see extreme
6 irreversible damage not just to ecosystems, but to
7 lives of human beings. 2030 is only 7 years away.
8 DNREC, NASA, the American Geological Institute
9 websites all show the same map.

10 What sea level will rise looking for
11 Delaware by 2100 is terrifying. On the low end,
12 we can expect a sea level rise of about a foot and
13 a half. On the high end five feet. This means
14 Long Neck, the place I grew up, will be gone.
15 Most of Lewes will be gone. Bethany will be gone.
16 Rehoboth and Dewey will be gone. That's 77 years
17 away. And that's just sea level rise. That's not
18 even talking about the mass droughts, increased
19 storm surges and the devastating wildfires,
20 famines, diseases that will occur and are already
21 starting to occur due to the climate crisis. We
22 need ACCII. This is an integral part of a
23 solution for air quality, but also for a crisis
24 that will change Delaware as we know it.

25 ACCII is beneficial to our health,

1 our well-being and especially our economy. It
2 will allow Delaware to be above the curve. EVs
3 are coming. They're the way of the future.
4 People want them and manufacturers want to make
5 them. However, Delaware is inadequately prepared
6 for a future with EVs. ACC2 will help provide
7 funding for Delaware to incorporate vital EV
8 infrastructure and will help residents like me to
9 be able to afford EVs.

10 It will also, hopefully, make things
11 more equitable across the board. I could talk
12 about the benefits of ACCII more, but honestly, I
13 want to leave with you this. Time is running out.
14 ACCII ensures us that we will be on our way to a
15 future of less fossil fuels in Delaware.
16 Honestly, I don't even know if ACCII is enough to
17 help deter the climate crisis, but it's a start.
18 We need --

19 MS. CHILDEARS: Our current commenter
20 is Stephen Ranck followed by John Irwin.

21 STEPHEN RANCK: Hello, I would like
22 to thank you all since you answered a lot of my
23 questions. I'm sympathetic to the goals of the
24 electronic car mandate and helping the
25 environment. Really, what I'm concerned with is

1 cost and feasibility. First, not everyone can
2 afford an electric vehicle. I'm aware that the
3 mandate is not making you buy a new car, but it
4 still impacts pocketbooks of those buying and
5 using gas powered vehicles. You mentioned that
6 there will be an increasingly stringent standards
7 for gasoline cars and heavier passenger trucks.
8 This will increase operating costs for owners.
9 Assuming the price of electric cars stay the same,
10 the price of used cars will rise also. I'm basing
11 this off of supply and demand.

12 Basically, we're having to pay more
13 regardless of whether we use an electric vehicle
14 or not. I would also like to ask where the
15 economic impact study was from. As I've seen
16 different data. Even if none of this happens, if
17 the mandate doesn't make other vehicles more
18 expensive, there's a questions of infrastructure.

19 How are electric vehicles going to be
20 charged? We definitely don't have the
21 infrastructure for that now. And to be frank, I'm
22 a little pessimistic that we will in a few years
23 span, especially if the public sector handles it.

24 Say gas stations have electric
25 charging stations by then, what about streets,

1 apartments, low income areas? How will that be
2 paid for?

3 Can we expect the average middle
4 class person to be able to purchase both an
5 electric vehicle and a charging station? I
6 support the idea of reducing carbon emissions, but
7 what we're left with is something messy and
8 unrealistic. I hope I'm wrong. Thank you.

9 MS. CHILDEARS: Our current commenter
10 is John Irwin followed by Charlie Garlow.

11 JOHN IRWIN: My name is John Irwin.
12 I live in New Castle County. Countries already
13 made commitments to transition to clean cars
14 because of their concern about climate change and
15 the desire for a clean air. Norway, by 2025,
16 Germany, UK, Denmark, Netherlands, Belgium,
17 Greece, Iceland, Sweden, by 2030. EU, Canada,
18 Chile, China, Japan, by 2035.

19 This is happening. As a result of
20 this global movement, just about every single auto
21 manufacturer in the world has set similar targets.
22 GM, by 2035, all electric. There will be cars
23 sold at all price points. Volkswagen just
24 released an announcement of low priced cars.

25 They'll be priced cars at all price

1 points. This is happening Worldwide now. Around
2 us, New Jersey, Maryland, Virginia, New York,
3 Massachusetts, have already moved to adopt ACC II.
4 In adopting ACC II, Delaware will not determine
5 whether the transition to EVs will happen. It's
6 underway already.

7 I want to be able to buy an EV here
8 in Delaware. I want to test drive, compare
9 models, compare prices across dealerships. That's
10 not an option because we're not an ACC II state
11 yet.

12 Adopting ACC II will help us make
13 gradual transition and be prepared for this big
14 change. It is a big change. But let's make it
15 work for us. We need to give dealerships the time
16 to get up to speed so they can provide good
17 service to customers and for us to build up the
18 infrastructure that we need to support it.

19 The sooner EVs are being made
20 available in Delaware the smoother that will
21 happen. People concerned about any issues with
22 EVs can wait and see how things develop. There
23 will be twelve years to buy new gas cars for those
24 who want them. And used cars, which most people
25 buy, will continue to be available indefinitely.

1 You can keep driving your gas car if you like.
2 That's a lot of time to get comfortable before
3 buying an EV. You can easily go 20 years more
4 driving gas cars.

5 Let the rest of us who want these
6 cars have a chance to benefit from them. This
7 program, if adopted now, doesn't start for several
8 more years. We can't afford to wait longer. We
9 need to get started. Please adopt the advanced
10 clean car II program. Thank you.

11 MS. CHILDEARS: Our current commenter
12 is Charlie Garlow. Followed by Coralie Pryde.

13 MRS. SWEENEY: This is Megan Sweeney.
14 I'm not seeing a participant name Charlie Garlow.
15 If you're in the Zoom, please raise your hand.

16 I'm not seeing any hands raised,
17 we'll need to move on to the next commenter.

18 MS. CHILDEARS: Our current commenter
19 is Coralie Pryde followed by David Anderson.

20 CORALIE PRYDE: Hello. This is
21 Coralie Pryde speaking as a Delaware resident.
22 The switch to low emission and zero emission cars
23 has begun across the country and the world. And
24 it will continue whether or not Delaware accepts
25 the ACC II regulations. Accepting these

1 regulations now, however, will allow us to
2 purchase EVs in Delaware and to make
3 evidence-based decisions on where charging
4 stations are needed.

5 Not accepting them now, means that
6 residents in high traffic areas will continue to
7 suffer for more years from unacceptable levels of
8 ozone and particulates and toxic volatile
9 organics. A lot of concerns have been expressed
10 about batteries for EVs, and they're really being
11 addressed on many fronts. Batteries will be
12 getting cheaper and longer-lasting.

13 EVs are already much less prone to
14 fires than gasoline powered vehicles. But solid
15 state lithium batteries will provide even greater
16 safety within the next few years. Different types
17 of lithium batteries are being made that don't
18 require cobalt, which is very expensive. And
19 they're already available.

20 Lithium tungsten batteries are ready
21 to be scaled up and produced in different sizes
22 for vehicles and other uses. They charge rapidly
23 and supply readily available power.

24 Other batteries that are in
25 development don't require any lithium. So we

1 don't have to worry about lithium supply. You
2 should note that lithium batteries are not any
3 more toxic than existing batteries used.

4 Recent Innovations in other
5 batteries, have brought them close to being a
6 charge. These will all be on the market well
7 before the end of the decade. DNRECs decision on
8 these regulations needs to be based on sound
9 science published in peer review journals. This
10 science shows us that issues with batteries used
11 in EVs can be and are being addressed and will be
12 addresses once demand is high.

13 Science also shows us that global
14 warming is real. It's strongly related to carbon
15 dioxide levels, along with a significant level of
16 about 30 percent of a growing contribution from
17 methane leaks from extraction of gas and oil.

18 Science shows us we need to quickly
19 move away from fossil fuels and rely on cheaper,
20 solar and wind power. Accepting the ACCII
21 standards is a vital step that needs to be done
22 now. Thank you.

23 Ms. CHILDEARS: Our current commenter
24 is David Anderson followed by Meg Rice.

25 MRS. SWEENEY: This is Megan Sweeney.

1 I don't see a participant named David Anderson.
2 If you're in the Zoom raise your hands using the
3 Zoom function.

4 Not seeing any hand raised, we'll
5 need no move on to the next commenter.

6 MS. CHILDEARS: Our current commenter
7 is Meg Rice followed by Frank Burns.

8 MRS. SWEENEY: Not seeing any
9 participants named Meg Rice. If are you in the
10 Zoom please raise your hand using the Zoom
11 function.

12 I'm not seeing any hands raised,
13 we'll need to move on to the next commenter.

14 MS. CHILDEARS: Our current commenter
15 is Frank Burns followed by Clem Dinsmore.

16 MRS. SWEENEY: It looks like viewing
17 location has dropped. The next commenter was
18 supposed to be commenting in person.

19 THE HEARING OFFICER: We'll circle
20 back around to them. If you want to move to the
21 next person -- are we back on?

22 UNIDENTIFIED SPEAKER: We're back on.

23 THE HEARING OFFICER: Thank you.

24 FRANK BURNS: Good evening, I want to
25 first thank you for the opportunity to speak here

1 in favor of these important amendments.

2 I am a member of several
3 organizations with an interest in seeing these
4 change adopted, but tonight I'm here to speak as
5 an individual for myself, my family, and my
6 community.

7 My name is Frank Burns. I'm a
8 scientist. But more importantly, for what I'm
9 going to say here tonight, I'm a father and
10 resident of Roseville Park Community. One of many
11 communities that line the Kirkwood Highway Capital
12 trail route that goes between Newark, Delaware and
13 Wilmington. It's a high-traffic road.

14 My neighbors proximity to this highly
15 traveled roadway puts our residents at high risk
16 for auto exhaust induced asthma, and also to have
17 further exacerbations and attacks for those who
18 are already suffering from this disease.

19 The benefits of zero emission vehicle
20 adoption are immediate. And they start even while
21 the vast majority of cars still on the road are
22 internal combustion vehicles.

23 Although a lot of people get
24 triggered by California, people in California get
25 sick and die from the same things that we do here

1 in Delaware.

2 A peer review paper published this
3 month by Dr. Eric Garcia and her coauthors
4 entitled, California's early transition to
5 electric vehicles observed health and air quality
6 code benefits, shows that ZIP code by ZIP code,
7 even while electric vehicles are still a very
8 small part of the vehicle fleet, that ZIP codes
9 that have higher percentage of electric vehicles,
10 have lower asthma admission rates at the emergency
11 department.

12 I attended three of the five town
13 hall meetings put on by those opposed to this. I
14 will only say that I can understand why some
15 people, having seen what I construe to be
16 misinformation or lies, would be upset.

17 But the majority -- although a
18 minority of legislators are now expressing regret
19 that they gave the secretary authority to do this,
20 they did.

21 It is the secretary's responsibility,
22 and he has to act to protect the health,
23 well-being and safety of the citizens of Delaware
24 and put these regulations into effect. Thank you.

25 MS. CHILDEARS: Our next commenter is

1 Clem Dinsmore followed by Emily Rodden.

2 CLEM DINSMORE: Secretary Carney and
3 DNREC staff. I'm Clem Dinsmore, a member of
4 Delaware Sierra Club and Wilmington resident.
5 Thank you for the opportunity to express my
6 support for the secretary's adoption of the
7 advanced clean car II program.

8 First, some say that that Delaware is
9 not California and therefore, adoption of the
10 program is not relevant to Delaware. This program
11 has been adopted by numerous other states and
12 should not be categorized as relevant only in
13 California.

14 I see Delaware as a multi-regional,
15 down-wind, air-pollutant sink. There is an urgency
16 to follow the example of so many other states in
17 adopting the ACC II. The air quality of Delaware
18 is materially degraded by carbon and other
19 pollution in upwind regions of the country,
20 notably the Midwest and Western Mid Atlantic
21 region.

22 Being on the receiving end of other
23 states air pollutants, Delaware has the need to
24 take compensatory actions to mitigate the harm to
25 its residents. This need requires Delaware to be

1 aggressive like our fellow Mid Atlantic states in
2 the mitigating carbon and other pollution that
3 adversely affects the health of its residents.

4 Second, some say that ACC II would
5 prevent Delaware residents from continuing to use
6 their fossil fueled vehicles and prohibit their
7 purchase of fossil fuel vehicles in the future.
8 Nothing in the program mandates such outcomes.

9 During the program's term, many
10 hundreds of millions of fossil fuel vehicles will
11 be purchased within the United States. The useful
12 lives of vehicles have increased in light of
13 technological and manufacturing improvements.
14 Many fossil fuel vehicles sold this year, and
15 every year until 2035, will remain in use for
16 quite sometime.

17 A robust market in used fossil fueled
18 vehicles likely will continue well after 2035.
19 Under the program, there will be no prohibition
20 against the continuing use of such vehicles.
21 Thank you.

22 MS. CHILDEARS: Our current commenter
23 is Emily Rodden followed by Nancy Hannigan.

24 MRS. SWEENEY: This is Megan Sweeney.
25 I'm not seeing any participants named Emily

1 Rodden. If you're on the phone you can press star
2 nine or raise your hand function.

3 I'm not seeing any hands raised we'll
4 move on to the next commenter.

5 MS. CHILDEARS: Our current commenter
6 is Nancy Hannigan followed by Phil McGuire.

7 MRS. SWEENEY: I'm not seeing any
8 participants named Nancy Hannigan, if you can
9 raise your hand using the Zoom function, thank
10 you.

11 I'm not seeing any hands raised we'll
12 need to move on to the next commenter.

13 MS. CHILDEARS: The current commenter
14 is Phil McGuire followed by Sarah Haas.

15 MRS. SWEENEY: I'm not seeing any
16 participants named Phil McGuire. Please raise
17 your hand if you're present and would like to
18 speak.

19 I'm not seeing anyone raise their
20 hand, we'll need to move to the next commenter.

21 MS. CHILDEARS: Next commenter is
22 Sarah Haas followed by George Rotsch,

23 MRS. SWEENEY: I'm not seeing any
24 participant named Sarah Haas. If you're present
25 raise your hand using the Zoom function.

1 I'm not seeing any hand raised, we'll need to
2 move on to the next commenter.

3 MS. CHILDEARS: Current commenter is
4 George Rotsch followed by Michelle Williams.

5 MRS. SWEENEY: There are no
6 participants named George Rotsch. Please raise
7 your hand if you are present.

8 MS. CHILDEARS: That's R-O-T-S-C-H.

9 MRS. SWEENEY: Again, if you're
10 calling in, you can press star 9.

11 Not seeing any hands raised we'll
12 need to move to the next commenter.

13 MS. CHILDEARS: Our current commenter
14 is Michele Williams followed by Beckey Lund.

15 MICHELE WILLIAMS: I've had three
16 Prius' since 2005. This last one is both electric
17 and hybrid. But the electric part of this car
18 only lasts for 25 miles. To charge it, I need to
19 run an extension cord from my condo to the parking
20 lot. My electric bill has nearly doubled since
21 it's taking over six hours to do a full charge and
22 the gas expenses have also increased due to
23 misguided fossil fuel policies.

24 After 30 years in the Air Force, I
25 could have lived anywhere upon retirement. But I

1 came back to my hometown of Delaware. Note, I say
2 Delaware not Delafornia. I lived in beautiful
3 sunny California for nearly ten years, but woke up
4 to their damaging policies and couldn't get away
5 fast enough.

6 Our state legislature has delegated
7 their authority to regulate specific vehicle
8 mandates to DNREC, thus turning judgment over to a
9 small handful of unelected employees. The words
10 democracy and freedom are often thrown around as
11 buzz words, but I take them seriously. This
12 mandate is not democracy nor freedom for we the
13 people. This is a perfect example of government
14 over reach at its finest.

15 It's unconstitutional for the
16 legislator to delegate the authority of law-making
17 that is vested in the legislature, article 2,
18 section 1 of the Delaware constitution states
19 that, the legislative power of the state shall be
20 vested in the general assembly, which shall
21 consist of a senate and a house of
22 representatives.

23 We the people elect our legislators.
24 We don't elect administrative agency officials.
25 And as an administrative agency, DNRECs mission,

1 from its own website, includes these words,
2 engage, protect, improve, lead and educate.
3 Nowhere is there the authority to mandate.

4 Additionally, it's not good
5 governance when you have one hearing for the
6 entire state with limited time available, and make
7 it very difficult for people to navigate the
8 various websites they need to utilize to register
9 to utilize my first amendment rights that we the
10 people can participate in this process. There's a
11 lack of open government transparency and it makes
12 me question the integrity of this entire EV
13 mandate issue.

14 Lastly, our elected officials in
15 office right now, won't be the same people that
16 will eventually have to deal with the policies of
17 today. So, what will we be leaving our kids and
18 our grandkids to deal with? Personally, I think
19 the green initiatives are over hype. As an owner
20 of an electric car in the United States, so I just
21 suggest if there is an issue with living in
22 another state, perhaps maybe relocation should be
23 utilized. Thank you.

24 THE HEARING OFFICER: Before we move
25 to the next speaker, I want to take another

1 five-minute break. Before we do so, those who are
2 preregistered tonight, if you could please change
3 your name to your first and last name, if it is
4 not already on there. This will help Megan
5 Sweeney navigate and be able to pull you if you
6 have preregistered. You can do so by hovering
7 over your name, and I believe going to the more
8 option and clicking on rename and it will be an
9 option to put your first and last name in that
10 field.

11 With that being said, it is now 7:56.
12 We will -- I'm sorry 7:57, so we'll resume at 8:03
13 p.m.

14 (A break was taken.)

15 THE HEARING OFFICER: The time is now
16 8:03. We'll now resume the hearing. Before we
17 begin to call the next commenter, I just want to
18 send a friendly reminder to all those who are
19 commenting tonight, that this hearing is being
20 transcribed by the court reporter. While you're
21 providing your public comment, we ask that you
22 please slow down so that we can have a clear and
23 concise transcript of what is being said.

24 At those times that you may be
25 speaking too fast, myself or the court reporter

1 may interrupt you to ask you to slow down and
2 please do so. With that being said, Jennifer
3 Childears, may you please call the next person.

4 MS. CHILDEARS: Our current commenter
5 is Beckey Lund followed by Mary Douglas.

6 LESLEY REESE: Jennifer, this is
7 Lesley Reese. We do not have Beckey Lund signed
8 in as an in-person commenter this evening, but if
9 Beckey Lund is on the line please raise your hand
10 or hit star nine.

11 MRS. SWEENEY: I'm not seeing any
12 hands raised, so we'll need to move on to the next
13 commenter.

14 MS. CHILDEARS: Our current commenter
15 is Mary Douglas. Followed by Joseph Sheridan, Jr.

16 MARY DOUGLAS: My name is Mary
17 Douglas. I'm a retired environmental lawyer. I
18 worked on Clean Air Act issues for EPA and also
19 for NACAA, National Association of Clean Air
20 Agencies.

21 I strongly support DNRECs adoption of
22 the ACC II regulations. Every gas-powered vehicle
23 emits roughly five tons of CO 2 per year. We must
24 take meaningful action to stop the transportation
25 sector's contribution to climate change. If we do

1 nothing, our grandchildren will wonder why we
2 didn't have the political will to save our
3 beaches, prevent catastrophic weather events and
4 avoid deadly summertime heat waves.

5 Those opposed to these regulations
6 say that we don't need them to improve our air
7 quality because it's already improving.

8 While this is true, it is misleading.
9 The fact is, that Delaware's ten monitors don't
10 tell the whole story. Even in an area with
11 reasonably good regional air quality, near roadway
12 emissions pose significant health risks. Emission
13 from gas vehicles harm our health in two ways.
14 Near roadway emissions increase a variety of lung
15 and heart risks for residents who live or work or
16 go to school within about 600 feet of a heavily
17 trafficked roadway.

18 Our recent study even concluded that
19 those who lived or worked close to heavily
20 trafficked roadways, face a higher risk of
21 dementia. And no matter where we live or work,
22 when we are driving on one of our congested
23 highways, 95, the Lancaster Pike, Route 1, we are
24 breathing a stew of harmful emissions, including
25 nitrogen oxides's hydrocarbons and carcinogens

1 like benzene. Pollution from traffic poses the
2 greatest risks to our most vulnerable population
3 groups, children, teenagers, and the elderly.

4 Children may suffer from increased
5 asthma attacks and impaired lung function. And
6 elderly increase their risk of premature death
7 from the risks of Cardiovascular disease, COPD and
8 heart attacks.

9 Adoption of California's ACC II
10 standards would gradually transition the state to
11 clean electric vehicles. Reductions in
12 gas-powered vehicles on our roads would result in
13 measurable health benefits and reduced healthcare
14 costs as we gradually stopped breathing the
15 harmful emission from gas-powered cars. Thank
16 you.

17 MRS. SWEENEY: Our next -- our
18 current commenter is Joseph Sheridan, Jr. followed
19 by Judy Taibi.

20 MRS. SWEENEY: This is Megan Sweeney.
21 I'm not seeing any participants named Joseph
22 Sheridan. If you're present in the Zoom, please
23 raise your hand using the zoom function or press
24 star nine on your phone.

25 I'm not seeing any hand raised, we'll

1 need to move an to the next commenter.

2 MS. CHILDEARS: Our current commenter
3 is Judy Taibi followed by Mary Jane Elliot.

4 MRS. SWEENEY: I'm not seeing any
5 participants named Judy Taibi. If you're present
6 in the Zoom please raise your hand using the Zoom
7 function or by pressing star nine.

8 Not seeing any hands raised, we'll
9 need to move on to the next participant.

10 MS. CHILDEARS: Our current commenter
11 is Mary Jane Elliot, followed by Robert Seward.

12 MARY JANE ELLIOT: My name is Mary
13 Jane Elliot from Wilmington, Delaware. And I want
14 to strongly endorse Delaware's adoption of the
15 Advanced Clean Car II standards. Because Delaware
16 is being impacted by sea level rise so
17 dramatically, we citizens need to do everything we
18 can to address climate change. And buying an
19 electric vehicle is a great way to make a
20 difference in the fight against sea level rise.

21 EVs have also been shown to make a
22 positive effect to reduce air pollution in
23 communities with high percentages of asthma. I
24 think that was just stated. I'm sorry to repeat
25 it.

1 I recently attended one of the town
2 hall meetings hosted by the Caesar Rodney
3 Institute and found that a lot of the information
4 presented was really incorrect. And it gave the
5 impression that EVs were costly and dangerous and
6 that the Advanced Clean Car II program was really
7 not presented accurately. This group I know is
8 funded partially by places like the Heritage
9 Foundation and the Koch brothers and their
10 methodology and positions really were kind of
11 suspect.

12 I think there's a financial and
13 political motivation to discourage Delaware from
14 transitioning into more electric vehicles, and the
15 republican legislators who were encouraging
16 attendees to write to DNREC and protest the ACCII.
17 I just think citizens need to know that they might
18 be getting misinformation or incorrect information
19 on EV cars.

20 And so those who contact you and
21 protest against the program, I feel really have
22 been misled. It sort of reminded me of the tea
23 partyers back in 2010 who talked about death
24 panels and other information and misinformation
25 and just kind of got people riled up, which I

1 think is really unfortunate.

2 Delawareans who want to own an EV
3 really need the state to join the ACCII program.
4 Because now it's very difficult to purchase an EV
5 in Delaware. And if we join the program, then
6 more car manufacturers will be providing more
7 options.

8 And just lastly, I know some people
9 have said that they want the right to own their
10 gas powdered vehicle and they don't want to be
11 mandated.

12 But they really do have to respect
13 the rights of we Delawareans who do want to own an
14 EV, and we do want to reduce tailpipe emissions
15 and reduce air pollution and sea level rise in
16 Delaware. So I strongly urge DNREC to support the
17 program. And thank you very much for putting on
18 this evening, because it's important that citizens
19 be able to speak out. So thank you very much.

20 MS. CHILDEARS: Our current commenter
21 is Robert Seward, followed by William Kusche.

22 ROBERT SEWARD: My name is Robert
23 Seward. I'm calling from Newark. I'm a voter in
24 Newark. And in this -- I want to thank the
25 dedicated state employees, especially the court

1 transcriptionist that is working so hard to keep
2 up with us.

3 I don't have a lot to add to what
4 I've already heard in favor of the Advanced Clean
5 Car II regulations. I'm strongly in favor of them
6 for all the reasons people have given.

7 Couple of antidotal comments. I
8 recently shopped for a new car with my wife here
9 in Newark. And the inventory was really low. It
10 was hard to find a car that was available. It was
11 hard to find a car to test drive.

12 And I think this regulation will
13 improve that. I'm sure it will. We eventually
14 bought a new car. And I'm also hopeful that the
15 people who have expressed concerns about
16 availability of charging stations and costs, it's
17 -- it's not something that I see in my experience.

18 Also, in the presentation, I heard --
19 and I heard commenters talk about how it benefits
20 people in low income areas and people who live
21 near highways. And what I hear there is that it's
22 going to help air quality and communities that are
23 predominantly populated by black people and
24 indigenous people and people of color. And to my
25 mind, that makes this an anti-racist policy. And

1 I'm strongly in favor of it as it will promote
2 equity in our communities in Delaware.

3 Thanks for your time.

4 MS. CHILDEARS: Our current commenter
5 is William Kusche, followed by Michelle Forzley.

6 WILLAM KUSCHE: Hello. How is
7 everybody doing tonight? I just want to say that
8 I, with this -- with this vehicle mandate, I think
9 the biggest problem is the mandate part.

10 If you had parallel development,
11 right now I drive a 2019 Chevy Colorado pickup
12 with a six-speed transmission. It gets up to 35
13 miles per gallon.

14 When -- if -- if the battery electric
15 vehicles were to be developed which could offer
16 the same service, and I were a wealthy man -- I'm
17 a retired correctional sergeant on disability, and
18 I had to take an early retirement pension, then I
19 could presently understand it.

20 The problem is that you got -- is
21 that you're not accounting for Toyota's
22 hydrogen-powered internal combustion engine. That
23 will have a tank. It will never decrease the
24 range like batteries do over the lifetime of the
25 vehicle. And also, too, if for the different

1 hobbyists, you still need to have -- you still
2 should be able to own historic vehicles.

3 And you should be able to still use
4 some internal combustion engine vehicles. The
5 problem now, and I can understand New Castle
6 County, maybe they should do what they presently
7 do, Sussex County has a whole separate emissions
8 standard from New Castle and Kent counties. It
9 would be beneficial to the people in those areas.
10 And while we need the time to let the technical
11 develop in a parallel format, and just so you
12 know, I own over three acres of land and I have
13 forests. I have grass on it. I have other things
14 grow. My carbon footprint because of that is
15 practically nil.

16 You still have to remember that
17 carbon dioxide is a benign gas and, of course, it
18 is used by plants. And just like -- and you also
19 have to remember that studies are very good
20 observations, they're still not experiments. And
21 I thank you for your time.

22 MS. CHILDEARS: Our current commenter
23 is Michele Forzley, followed by Robert Varipapa.

24 MRS. SWEENEY: There are two
25 participants listed as Michelle without last

1 names. If one of you is Michele Forzley, please
2 raise your hand.

3 I'm not seeing any hands raised.
4 We'll need to move on to the next commenter.

5 MS. CHILDEARS: Our next commenter is
6 Robert Varipapa, followed by Robert Thomas.

7 MRS. SWEENEY: I'm not seeing a
8 participant named Varipapa. Robert Varipapa, if
9 you are present, raise your hand by using the Zoom
10 function or by pressing star nine.

11 I'm not seeing any hands raised.
12 We'll need to move on to the next commenter.

13 MS. CHILDEARS: Our current commenter
14 is Robert Thomas, followed by Donald Kuczenski,
15 Sr.

16 ROBERT THOMAS: Can you hear me?

17 MS. CHILDEARS: Yes.

18 ROBERT THOMAS: A lot of my points
19 will be the same -- the same as others, so I won't
20 repeat them. But I would like to go back to the
21 comment made by one other person about the
22 Constitution of the State of Delaware, Article 2,
23 Section 1, legislative power of the state shall be
24 vested in the general assembly, which shall
25 consist of the State and House of Representatives.

1 At no point in time do I believe as a
2 citizen that a mandate from an agency that is not
3 voted by the people, should be put forth into this
4 state. What it does, in my opinion, is it creates
5 a taxation that we have not been able to vote on
6 or pass.

7 My pet peeve with this whole thing is
8 that a mandate should not be passed by DNREC, but
9 what should be done is legislated. And it should
10 be put on a ballot and let the people and citizens
11 of the state vote in favor or in disfavor of
12 passing this zero emissions vehicle standard.

13 I also want to say in no way am I
14 against climate control and making changes. But I
15 think one of the things we have to do, is to let
16 the competition within this industry give us
17 options.

18 By mandating this regulation, you
19 take away our freedom of choice. I've heard lots
20 of people talk about cars may become cheaper. But
21 at the current time, the average cost of an
22 electric vehicle is \$58,000.

23 The other thing that at the current
24 time that is happening is 2008, 2009, and 2010
25 Tesla vehicles are coming up to battery failures.

1 The average cost to replace the battery in a Tesla
2 of 2008 is \$30,000, which puts it out of the range
3 of most people on a fixed income or retired
4 incomes.

5 So -- and I've heard people in favor
6 of it. And I'm not talking about opposing any of
7 their comment about favorability. But what I am
8 saying is we should all be looking at both sides
9 of this equation and allowing the people of the
10 citizens of the State of Delaware to vote on this
11 legislation -- this mandate, and not make it a
12 mandate. Make it something that we choose to do
13 and allow competition to take its natural course.

14 The other thing that people said is
15 the Caesar Rodney Institute is, in my word, a
16 biased survey. But that survey showed 73 percent
17 of voters of the State of Delaware were opposed to
18 this mandate. I think it should be considered by
19 the legislation and put to a vote in November for
20 the people of the State of Delaware. And at that
21 point in time, I said things others haven't.

22 MS. CHILDEARS: Our current commenter
23 is Donald Kuczenski, Sr., followed by Yeh-Tang
24 Huang.

25 DONALD KUCZENSKI: Good evening, many

1 of the speakers tonight, and some of our political
2 leaders, are guilty of one-dimensional thinking
3 when it comes to discussion of low emission
4 vehicles.

5 By one dimension, I'm talking about
6 looking at one aspect of a situation without
7 recognizing the consequences of its
8 implementation.

9 With internal combustion engine, the
10 power source is located in the vehicle. Emissions
11 are easy to see.

12 With a zero emissions vehicle, the
13 power source is at some other power plant across
14 the state or the country. This power is then
15 transmitted through wires via the electric grid.

16 A daily charge consumes 13.4 kilowatt
17 hours of electricity. As of 2021, there are
18 811,000 light-duty gas and diesel vehicles
19 registered in Delaware.

20 Assuming that, at any one day, only
21 half the vehicles are plugged in to charge, this
22 would be an incremental demand of 5,433,000
23 kilowatt hours of electricity.

24 Since most of Delaware's electricity
25 is generated from natural gas power plants, each

1 month this would require an additional 1.2 million
2 cubic feet of natural gas to power the increase in
3 demand.

4 In addition to the increased power
5 generation, there's the distribution system of the
6 power grid to be concerned with.

7 When people return home from work
8 each day, there's going to be a huge demand on the
9 grid as people plug in their vehicles to charge
10 overnight.

11 I recall power companies asking
12 people to raise their temperature or shut off air
13 conditioning during the peak usage time.
14 Returning home after the house has been unoccupied
15 during the day, people will typically crank up the
16 AC to cool down the house. And this, the heavy
17 demand from vehicle charging, we'll see a heavy
18 peak demand which could result in brownouts or
19 worse.

20 We've seen the story about power
21 lines overheating in California and causing wild
22 wires fires. Is that what we want in Delaware?

23 Then there are the driving safety and
24 other cost considers. What happens when you lose
25 power in your electric car due to traffic tie-ups?

1 With internal combustion vehicle, you run out of
2 gas, you call AAA or hike to a gas station to get
3 a gallon or two to get underway.

4 With electric vehicle, the car will
5 have to be towed to a charging station. Towing
6 electric vehicles requires a flatbed, as none of
7 the wheels can be turning without a car running.
8 Compare a few dollars for gas to a few hundred for
9 a tow.

10 That also means you can't tow an
11 electronic vehicle behind a recreational vehicle.
12 Want to tow a boat or a trailer? Sorry. In tests
13 of a Ford F150 Lightning pickup truck, the range
14 dropped from 305 miles to 90 miles when towing a
15 boat. That's barely enough to get you from Dover
16 to Rehoboth Beach.

17 There's definitely a place for lower
18 emission vehicles, but to mandate this as only
19 option is a prime example of ignoring Newton's
20 third law, which to paraphrase, for every action
21 there's a --

22 MS. CHILDEARS: Our current commenter
23 is Yeh-Tang Huang, followed by Patrick Sigler.

24 YEH-TANG HUANG: Good evening. Can
25 you hear me?

1 MS. CHILDEARS: Yes.

2 YEH-TANG HUANG: My name is Yeh-Tan.
3 I'm a clean vehicles and fellow at the National
4 Resources Defense Counsel. And I'm seeking today
5 to urge Delaware to move forward with the adoption
6 of the Advanced Clean Car II regulation
7 expeditiously.

8 Ensuring that we accelerate the
9 transition to a zero emission vehicle future is
10 imperative to prevent the worst effects of climate
11 change from occurring.

12 The ACCII standards are a chief part
13 of this transition. Failures to adopt the
14 regulation would mean that Delaware and its
15 residents would be delayed from reaping the most
16 benefits associated with the transition towards a
17 zero emission transportation future. Since
18 automakers would send EVs to the states that have
19 adopted ACCII first.

20 Adopting ACCII is not just good for
21 the climate, it will also improve air quality and
22 health, which will continue to improve over time
23 as cleaner energy is added on to the grid.

24 According to the American Lung
25 Association, the shift to zero emission

1 transportation and energy will result in 462 fewer
2 premature deaths, 11,200 fewer asthma attacks, and
3 55,100 fewer lost work days in Delaware from 2020
4 to 2015, totaling \$5.1 billion in cumulative
5 health benefits.

6 ACCII will also reduce costs for
7 drivers. We know that gasoline prices are
8 volatile, while the price of electricity has
9 historically been stable. And EVs have lower
10 maintenance costs, due to the fact there are only
11 18 moving parts in the electric drive train
12 compared to over 2000 in a gas car.

13 Also, since ACCII will likely
14 increase net facility revenue as it electrifies
15 Delaware's light-duty vehicle fleet, Delaware
16 household and commercial customers will likely
17 enjoy electricity bill savings because of ACCII.

18 Delaware is primed for transition
19 towards zero emission vehicles. And in order for
20 to Delawareans to realize these benefits, as soon
21 as possible, it is imperative that this department
22 move to adopt these regulations.

23 Thank you very much for your time
24 today.

25 MS. CHILDEARS: Our current commenter

1 is Patricia Sigler, followed by David Holden.

2 MS. SAPP: This is Janella Sapp. I
3 do not see Patricia Sigler. If you are available,
4 please use the raise hand function. And if you
5 are calling on the phone, please use star nine.

6 I don't see any hands raised. We can
7 move on to the next call.

8 MS. CHILDEARS: Our current commenter
9 is David Holden, followed by Keyonna Poindexter.

10 MS. SAPP: I do not see David Holden.
11 If are you available, please use the raise hand
12 function and on the phone it is star nine. I
13 don't see any hands raised. We can move on to the
14 next one.

15 MS. CHILDEARS: Our current commenter
16 is Keyonna Poindexter, followed by Sue Vatnick.

17 MS. SAPP: I don't see Keyonna
18 Poindexter. Again, feel free to use the chat
19 function.

20 MS. CHILDEARS: To raise your hand.

21 MS. SAPP: To raise your hand.

22 Sorry.

23 We can move to the next commenter.

24 MS. CHILDEARS: Current commenter is
25 Sue Vatnick, followed by Jeffery Terrell.

1 SUE VATNICK: Can you hear me.

2 MS. CHILDEARS: Yes.

3 SUE VATNICK: My name is Sue Vatnick.
4 My family and I live in New Castle County between
5 interstate 495 and 95 and near Philadelphia Pike.

6 So our home is subject to the air
7 pollution and soot that comes from the traffic
8 from these highways.

9 New Castle County received a D in
10 ozone levels in the state of the air report issued
11 by the American Lung Association.

12 We must continue to lower tailpipe
13 pollution in Delaware for the sake of our health
14 and to help put the brakes on climate change.

15 Zero emission vehicles are our
16 future. Car manufacturers have already shifted
17 solidly towards EVs, investing billions of dollars
18 into the transition of EV technology because these
19 cars are simpler and easier to manufacturer.
20 They're not going to turn back now.

21 We must adopt the Advanced Clean Car
22 II regulations so we do not get overlooked and
23 left behind by the auto industry. They are
24 already targeting and will continue to target
25 those states that have already adopted or are in

1 the process of adopting ACCII.

2 We need to send the message that
3 Delaware wants to be part of this EV market, along
4 with our neighboring states, Maryland and New
5 Jersey.

6 This is the time to be
7 forward-thinking for the State of Delaware and for
8 our children's futures. Adopting the ACCII
9 standards will entice private EV charging
10 companies to invest in developing the necessary
11 infrastructure in our state. By starting this
12 transition to more EVs in our state, it will, in
13 turn, help reduce the air pollution that my family
14 and my community here in New Castle are dealing
15 with.

16 Please adopt ACCII and help improve
17 the air quality in my community.

18 Thank you.

19 MS. CHILDEARS: Our current commenter
20 is Jeffery Terrell, followed by Emily Knearl.

21 JEFFREY TERRELL: Good evening. I'm
22 Jeff from Kent County. And I strongly urge DNREC
23 to follow the leadership of Ronald Reagan in his
24 home State of California, who looked at new
25 science and then achieved the phased regulatory

1 elimination of two poisons by his EPA, lead in
2 gasoline and asbestos in buildings.

3 I strongly support the Clean Car
4 initiative in lieu of the fact that Ft. Lauderdale
5 got 20 inches of rain in a single night last week.
6 The entire city was flooded and the lines at gas
7 stations were hours long because the roads were
8 flooded and tankers could not pass.

9 The electricity, I will note, was
10 uninterrupted. If you want -- if we want any
11 chance at all at attracting young people and young
12 companies to come to Delaware or to stay in
13 Delaware, we must do this.

14 If you want to drive an internal
15 combustion engine, you can. If you want to
16 accommodate your special needs case like I want a
17 big horse trailer or boat or running a commercial
18 truck that does certain things that you require
19 from your vehicle, you'll still be able to do
20 that.

21 All this bumper sticker rage is
22 coming from a deceitful propaganda operation that
23 profits when you're riled up. No one is coming
24 for your car.

25 Gasoline cars cause many more

1 dangerous fires than battery electric vehicles.
2 Lithium ion cars are cleaner than gas cars when
3 made, operated and jumped.

4 Carbon dioxide is a helpful gas,
5 until it gets to the gargantuan quantities which
6 chemically react in a way that destroys the
7 protective mediating layers of our atmosphere.

8 Auto makers are now installing
9 multiple modular batteries instead of one large,
10 more expensive single battery.

11 The price of zero emission cars are
12 no different than gasoline cars. Actually, look.
13 Thank you to the governor and to DNREC for their
14 leadership on this issue. The only thing we have
15 to fear, is fear itself.

16 MS. CHILDEARS: Our current commenter
17 is Emily Knearl, K-N-E-A-R-L, followed by Anita
18 Manning.

19 EMILY KNEARL: Good evening. Thank
20 you for the opportunity to testify today. My name
21 is Emily Knearl. And I'm representing the Nature
22 Conservancy in Delaware. The Nature Conservancy
23 supports the proposed regulations as written and
24 urges its adoption.

25 Delaware and the world are facing a

1 global climate catastrophe fueled by greenhouse
2 gasses. We no longer have the luxury of waiting
3 to take new action.

4 The First State is already seeing
5 more and more climate-related sunny, flood days,
6 high tides, intense rain storms and communities
7 being cut off due to high water following
8 precipitation events.

9 The City of Lewes tide gauge has
10 already seen -- recorded one foot of sea level
11 rise since 1990, one foot. And the state
12 currently projects sea levels to rise up to 23
13 inches by 2050, and up to five feet by 2100. And
14 green gases are not just a problem, because
15 they're causing climate change. They also get
16 washed into our waterways, harming water quality,
17 fish, and other aquatic wild life. They cause
18 multiple health problems in humans, as has been
19 discussed tonight, particularly to those
20 individuals who live in our most overburdened
21 communities. And they also cause health problems
22 to land-based wild life, as well. And it also
23 damages crops and contaminates soils.

24 Concerns have been raised in the
25 public dialogue around challenges with car

1 charging infrastructure availability.

2 In Delaware, there are currently over
3 120 public EV charging stations, according to the
4 United States Department of Energy, with plans to
5 increase that number to at least 25 miles -- every
6 25 miles on designated highways.

7 This represents a significant
8 increase from 2011. 12 years ago, there were two
9 charging stations in Delaware. Twelve years
10 later, there are now over 125.

11 I mention that number because if we
12 can go from two stations to 120 in 12 years, think
13 about how many stations we will have in 12 years
14 in 2035, when the hundred percent electric vehicle
15 sale requirement kicks in.

16 Finally, I want to make a point about
17 the scale-up of EV sales requirements and how it
18 benefits Delawareans.

19 Right now, car makers can ignore our
20 market. But by requiring this new standard, car
21 makers will be required to offer our consumer
22 choices, choices across vehicles, choices across
23 prices. And this will benefit The First State, as
24 well as car dealerships.

25 In conclusion, the benefits of

1 electric vehicles and passing the standard is
2 undeniable from zero emissions to reduced
3 dependence upon possible fuels to protect our
4 environment.

5 Thank you so much for your
6 consideration, and have a good evening.

7 MS. CHILDEARS: Our current commenter
8 is Anita Manning. Followed by Charito
9 Calvach-Mateyko. I do not have a name for Anita.
10 If you are on the phone, please use star nine or
11 -- there you are. I found you.

12 ANITA MANNING: Can you hear me now?

13 MS. CHILDEARS: Yes, Anita. You're
14 on.

15 ANITA MANNING: I'm sorry. I was on
16 mute. I live in North Wilmington. And I'm here
17 because I want to speak in favor of adopting the
18 Advanced Clean Car II program for Delaware.

19 I was going to talk about pollution
20 and its harmful effects on health for our lungs
21 and our hearts and for pregnancy and early death.
22 But many of the points that I was going to make,
23 have already been made better by previous
24 speakers.

25 I just want to say, that if we can

1 adopt this policy and reduce the amount of smog
2 and soot coming from cars, it will quickly clear
3 our air. I mean, this has been shown to happen
4 very quickly.

5 A recent study by the University of
6 Southern California found that for every electric
7 20 electric vehicles per 1,000 people in that
8 state, there was a 3.2 percent drop in
9 asthma-related emergency room visits.

10 Research in Norway, where EV adoption
11 has been greatest, has found dramatic reductions
12 in air pollution, not only in that country, but
13 even beyond its borders.

14 So I just want to urge adoption of
15 this policy. We need to take action now.

16 Thank you so much.

17 MS. CHILDEARS: Our current commenter
18 is Charito Calvachi-Mateyko followed by Andrew
19 O'Donell.

20 I do not see a Charito on the list --
21 oh, there's a hand raised.

22 Oh, that's Andrew.

23 THE HEARING OFFICER: We can move on
24 to the next speaker. We don't have a Charito
25 Calvachi-Mateyko who the raised their hand.

1 MS. CHILDEARS: Our current commenter
2 is Drew O'Donnell, followed by James Reed.

3 ANDREW O'DONNELL: My name is Andrew
4 O'Donnell. I'm here to testify in favor of the
5 adopting ACCII for Delaware. In the interest of
6 time, I'll submit my details and comments
7 supporting the opening presentation in writing,
8 but I just want to address some of the false
9 information being spread by people who are using
10 unreliable sources.

11 As an actual EV driver for the past
12 five years, I can attest that my 2018 Nissan Leaf
13 total purchase was about \$18,000. My operating
14 costs are about \$20 per month. And my only
15 maintenance is wipers and tires. So my total cost
16 of ownership is actually much less than my old
17 Prius.

18 EV ownership has been so great that
19 my wife just traded in her old gas car out of
20 state, I might add, for her first EV, too. So
21 we're now an EV-only family. A growing number of
22 similarly-priced EVs, like the Chevy Bolt are
23 available today.

24 EVs also pollute less by using energy
25 more efficiently than gas cars and can charge

1 off-peak to provide grid services, and use
2 increasingly cheap and renewable power sources.
3 The majority of EV batteries are still on the road
4 and will continue to serve as stationary storage
5 after they outlive their vehicles with over
6 200,000 miles, and then are recycled at companies
7 like Redwood Materials.

8 EV batteries don't just get to the
9 dump after a few years, and total life cycle
10 pollution, including mining, is far less than
11 total pollution from gas cars. Thank you for
12 providing several options to be heard. And I hope
13 Delaware moves to adopt this essential program for
14 our future.

15 MS. CHILDEARS: Our current commenter
16 is James Reed, followed by William Barrett.

17 MRS. SWEENEY: This is Megan Sweeney.
18 I do not see a commenter named James Reed. If
19 you're in the Zoom, please raise your hand by
20 using the Zoom function or pressing star nine.

21 I don't see a hand raised for James
22 Reed. We'll need to move on to the next
23 commenter.

24 MS. CHILDEARS: Our current commenter
25 is William Barrett followed by Nancy Wahler.

1 My name is will Barrett. I'm the
2 national senior director for Clean Air Advocacy
3 with the American Lung Association. It's great be
4 with you this evening, and I appreciate your
5 patience for a long night.

6 We support Delaware's adoption and
7 implementation of the ACCII program, as a critical
8 step forward to bringing healthier air to all
9 residents. Under federal law, Delaware has the
10 authority to enact more health standards to cut
11 pollution and maintain strong air progress.

12 ACCII program is built on reductions
13 and harmful air pollutants, such as smog-forming
14 oxide nitrogen and fine particles. And these
15 emissions contribute to a wide range of negative
16 health consequences. In fact, the Health Effects
17 Institute recently confirmed, or reconfirmed, that
18 traffic pollution contributes to early death and
19 is linked to lung cancer death, asthma onset in
20 children and other negative health consequences.

21 By cleaning up the combustion vehicle
22 fleet, the ACCII program will clear the air as the
23 new car sales transition to zero emission
24 technologies over the next dozen or so years.

25 The policy includes health protections,

1 climate benefits and consumer protections.
2 Further, the Federal Inflation Reduction Act
3 offers significant incentives for new and used
4 zero emission vehicle purchases, while bipartisan
5 infrastructure law supports more fueling for these
6 vehicles.

7 The American Lung Association places
8 a high priority on state adoption of the ACCII
9 program, because it protects lung health and
10 protects clean air progress over decades of the
11 Clean Air Act implementation and reduces climate
12 solution that threatens the health of all.

13 We've done our own extensive research
14 on the health benefits of zero emissions
15 technologies. We engaged in the original
16 California rule making and each rule making taken
17 up by the state sense.

18 In Delaware, we estimated over 5
19 billion in public health benefits cumulatively by
20 2050 through a transition to zero emission
21 passenger vehicles, trucks and cleaner energy.

22 Our study points to hundreds of lives
23 saved, over 10,000 asthma attacks avoided, and
24 over 55,000 lost work days avoided because the air
25 will be that much cleaner.

1 As documented in our State of the Air
2 2023 report, and released just last week, Delaware
3 has made important progress in cleaning the air,
4 and must continue to take all opportunities to
5 implement the most health protective measures at
6 home, in addition to taking advantage of the
7 federal investments and infrastructure, consumer
8 rebates and tax incentives.

9 So with that, I want to say thank you
10 for holding this important discussion and urge the
11 implementation of this life-saving role without
12 delay. Thank you very much.

13 MS. CHILDEARS: Our current commenter
14 is Nancy Wahler, followed by Dr. Albert Rizzo.

15 NANCY WAHLER: Hi. Can you hear me?

16 MS. CHILDEARS: Yes.

17 NANCY WAHLER: Hi. My name is Nancy
18 Wahler. I'm from North Wilmington. I'm
19 absolutely in favor of adopting the Advanced Clean
20 Car II initiative.

21 As a parent myself, and as a friend
22 to parents from all walks of life, I can
23 understand the terror that grips a family in the
24 face of their child experiencing a medical
25 emergency.

1 I have listened to parents tell
2 stories of their children with asthma being rushed
3 to the emergency room in the middle of the night.
4 I was disheartened to learn that Delaware has the
5 second highest rate of childhood asthma in the
6 country.

7 I was equally upset to learn that
8 childhood asthma is much more likely for
9 overburdened families and communities of color in
10 our state, particularly those who live in areas
11 with a great deal of tailpipe pollution.

12 Research from the American Lung
13 Association tells that the burdens of unhealthy
14 levels of air pollution include increased asthma
15 attacks.

16 With the ACCII initiative, electric
17 vehicles can become a popular option. This would
18 cut tailpipe emissions and reduce air pollution
19 dramatically.

20 The American Lung Association reports
21 that on a national level, adopting a plan like
22 ACCII can stop over 2.7 million asthma attacks
23 from happening to our nation's children and
24 teenagers.

25 I'm thrilled to think of a brighter,

1 healthier future for so many children in our state
2 if we adopt ACCII. Thank you.

3 MS. CHILDEARS: Our current commenter
4 is Dr. Albert Rizzo, followed by Ken Gigliello.

5 MRS. SWEENEY: I don't see any
6 participants named Albert Rizzo. If you're
7 present, raise your hand by using the Zoom
8 function or by pressing star nine.

9 I don't see anyone raising their
10 hands. We'll need to move on to the next
11 commenter.

12 MS. CHILDEARS: Our current commenter
13 is Ken Gigliello, followed by John Mateyko.

14 Not seeing any participants named Ken
15 Gigliello.

16 MRS. SWEENEY: If you could raise
17 your hand if you're present?

18 I'm not seeing any hands raised. If
19 we can move on to the next commenter, please.

20 MS. CHILDEARS: Our current commenter
21 is John Mateyko, M-A-T-E-Y-K-O, followed by Greg
22 Layton.

23 MRS. SWEENEY: I'm not seeing any
24 participants with that last name. John Mateyko,
25 if you are present -- reminder if you're on the

1 phone, you can press star nine to raise your hand.

2 I'm not seeing any hands raised. If
3 we can move on to the next commenter.

4 MS. CHILDEARS: Our current commenter
5 is Greg Layton, followed by Anne Kirby.

6 MRS. SWEENEY: I'm not seeing any
7 participants with the name Greg Layton, if you're
8 present, please raise your hand.

9 I'm not seeing any hands raised. If
10 we can move on to the next participant?

11 MS. CHILDEARS: Our current commenter
12 is Anne Kirby, followed by Beth Chajes.

13 MRS. SWEENEY: Anne, you're unmuted.
14 If you're able to check your audio.

15 It seems that Anne is having
16 technical difficulties. If we can move on to the
17 next caller or commenter, please.

18 MS. CHILDEARS: Our next commenter is
19 Beth Chajes, followed by Judith Butler.

20 BETH CHAJES: Good evening. My name
21 is Beth Chajes. I live in Newark, and have been
22 an EV owner for the past five years.

23 I'm here to testify in favor of
24 adopting the Advanced Clean Car II program in
25 Delaware. I'll submit my full comments in writing

1 for the record, but provide an abbreviated version
2 here. And I would like to offer just a bit of
3 historical perspective.

4 We are on the cusp of a major
5 technological shift, much as we were a Century
6 ago, when automobiles replaced the horse and
7 buggy.

8 As was mentioned earlier, such
9 technological transformations follow similar
10 patterns and present many similar challenges
11 regarding safety, infrastructure and economics.

12 Back in the early 1900s, however,
13 city leaders across the country faced an
14 overriding concern, that many horses providing
15 transportation in their streets produced an
16 unmanageable amount of manure.

17 Therefore, those leaders embraced a
18 new transportation technology, vehicles with
19 internal combustion engines that promised a
20 cleaner, healthier environment for your residents,
21 and they took numerous actions that paved the way
22 for that transition.

23 Not everyone was happy about it at
24 the time. But eventually, almost everyone adopted
25 this new technology, as they recognized its

1 advantages.

2 Of course, gasoline-powered vehicles
3 come with their own harmful waste products.
4 Unhealthy emissions now flood our skies from
5 millions of tail pipes. Fortunately, a cleaner
6 technology is now a viable option and we are in a
7 position to facilitate a more rapid and widespread
8 adoption of EVs.

9 I'm grateful that prior leaders had
10 the wisdom to prevent our ancestors from becoming
11 minered in horse manure. And I hope our current
12 leaders will have the same foresight and adopt the
13 Advanced Clear Car rules.

14 Thank you for this opportunity to
15 speak.

16 THE HEARING OFFICER: I believe
17 that's a good place for us to take a break. But
18 before we do, I just want to remind everyone that
19 as we approach the third hour of the hearing, if
20 your comment has already been made, please
21 consider providing another comment or submitting
22 your comment in writing.

23 We do have several more registered
24 preregistered commenters for tonight, however we
25 are constrained with time. So as we move on, and

1 come back from break, we'll try to move a little
2 bit faster between those that are not logged in.

3 And please be mindful of the time
4 that you do have.

5 We will resume at 9:03 p.m.

6 (A break was taken.)

7 THE HEARING OFFICER: All right. It
8 is 9:03 p.m. We'll resume the hearing. Before we
9 call the next speaker, I just want to mention that
10 if you were called upon and you missed your turn
11 to speak, please submit your comment in writing.

12 Also, as we call upon the people to
13 speak, those of you who are not recognized by
14 Megan or Janella and are prompted to raise your
15 hand, please do so. You can either use the
16 function online or if you're calling in my phone,
17 pressing star nine.

18 We're going to try to get through as
19 many more commenters as we can within the next
20 hour. But for those who are not able to speak
21 tonight, we do ask you to please submit your
22 comment in writing. And you have until May 26th
23 to do so. With that being said, Jennifer
24 Childears, would you please call the next speaker?

25 MS. CHILDEARS: Our current commenter

1 is Judith Butler, followed by Ron Lewis.

2 JUDITH BUTLER: Hello. My name is
3 Judy Butler. And I live in Wilmington. I
4 appreciate the opportunity to speak in favor of
5 the Advanced Clear Car II initiative this evening.
6 I'm the mother of two millennials and the
7 grandmother of three grandchildren, and the foster
8 grandmother of three additional children. All six
9 of them are generation Alpha children, meaning
10 they were born since 2010.

11 I am profoundly concerned about the
12 kind of world we're leaving our children and
13 grandchildren and future generations.

14 After our children grew up, we
15 downsized from a three-bedroom house to a small
16 condominium, because we wanted to reduce our
17 carbon footprint and our contribution to climate
18 change.

19 We drive a Prius hybrid for the same
20 reasons and look forward to purchasing an electric
21 vehicle the next time we're in the market for a
22 new car. Hopefully we'll be able to buy it right
23 here in Delaware.

24 We're careful to avoid financial
25 investments in hydrocarbon-based industries and

1 instead we invest in alternative energy. Whenever
2 I learn of legislation or regulations that will
3 reduce air pollution and global warming caused by
4 burning hydrocarbon fuels, I make my voice heard
5 by voting and testifying in events like this one.

6 These are examples of how my husband
7 and I take personal steps to reduce our carbon
8 footprints. However, to achieve the kind of
9 dramatic reductions in hydrocarbon pollutants and
10 greenhouse gasses needed to safeguard future
11 generations, we must have effective, strong,
12 governmental policies.

13 Therefore, I strongly support the
14 Advanced Clean Car II initiative. Between now and
15 2035, when regulation would take full effect, we
16 have time to build the infrastructure needed to
17 handle the transition to EVs.

18 Adopting ACCII will signal to the
19 market that here in Delaware we're open for
20 business in this huge, job-creating venture.

21 Car manufacturers are doing their
22 part to recognize a signal by investing millions
23 of dollars in the transition to EVs and however
24 the infrastructure and jobs and the vehicle
25 deployment will only take off in space that

1 recognizes that signal and adopt the ACCII.

2 In summary, I want to protect future
3 generations from the unhealthy effects of air
4 pollution and catastrophic effects of climate
5 change, advancing the Clean Car II initiative is a
6 common sense approach to advancing both goals.
7 Thank you very much

8 MS. CHILDEARS: Our current commenter
9 is Ron Lewis, followed by Jenn Ruebush.

10 MRS. SWEENEY: I'm not seeing a
11 participant named Ron Lewis. If you're present,
12 please raise your hand.

13 I'm not seeing any hands raised. If
14 we can move on to the next commenter.

15 MS. CHILDEARS: Our current commenter
16 is Jenn Ruebush, followed by Jay Bancroft.

17 JENN RUEBUSH: Hi. Thank you for
18 staying so late. I had a lot of the same points.
19 So I will skip those. I want to say there is
20 demand for electric vehicles. And I know my
21 brother waited about a year to get his.

22 So I would love to see that become
23 more accessible to everybody to be able to test
24 drive and purchase them when they're ready. I'll
25 be looking in a few years once my current vehicle

1 needs replaced.

2 We also have a family with asthma,
3 and so air quality is important to me.

4 I think it's important also to
5 consider those communities that live along major
6 corridors, 95, 495, Route 1 up here in New Castle
7 County, as well as Kirkwood Highway and other
8 major roads.

9 I want our state to meet clear air
10 standards. I want clear air for my children and
11 my grandchildren and not doing what we can do now
12 seems irresponsible and impractical. And I would
13 like to have access to EVs.

14 ACCII does not force anyone to get
15 rid of their gas car. And used gas cars will
16 continue to be around. I'll submit the rest of my
17 comments in writing. Thank you very much.

18 MS. CHILDEARS: Our current commenter
19 is Jay Bancroft, followed by Kevin Towey.

20 MRS. SWEENEY: I'm not seeing any
21 participants named Jay Bancroft. If you could
22 raise your hand, please.

23 Not seeing any hands raised, if we
24 can move on to the next commenter.

25 MS. CHILDEARS: Our current commenter

1 is Kevin Towey, followed by Brad Collins.

2 MRS. SWEENEY: I'm not seeing any
3 participants called Kevin Towey. If you can raise
4 your hand again on the phone, that's star nine.

5 I'm not seeing any hands raised.

6 MS. CHILDEARS: Our current commenter
7 is Brad Collins, followed by Ronald Betts.

8 MRS. SWEENEY: I'm not seeing any
9 participants named Brad Collins. If you can
10 please raise your hand.

11 I'm not seeing any hands raised. If
12 we can move on to the next commenter.

13 MS. CHILDEARS: Our current commenter
14 is Ronald Betts, followed by Dr. Shelley Francis.

15 MRS. SWEENEY: I'm not seeing any
16 participants named Ronald Betts. If you can raise
17 your hand, if you're present, please.

18 RHONDA SIMPSON: Hello, can you hear
19 me?

20 MS. CHILDEARS: Hello.

21 RHONDA SIMPSON: I'm Rhonda Simpson.
22 and I am with EV Hybrid Nor. I'm in for a
23 Dr. Shelly Francis, we both -- she's not on
24 tonight. So I'm speaking on behalf.

25 MS. CHILDEARS: Okay.

1 RHONDA SIMPSON: Okay. So my name is
2 Rhonda Simpson. And I'm monitoring and evaluation
3 manager of EV Hybrid Nor. EV Hybrid Nor is the
4 nation's largest network of diverse EV drivers and
5 enthusiasts. We have over 3500 members across the
6 country and internationally.

7 I am here to amplify the voices of EV
8 drivers and members of a community who struggle
9 against poor air quality and its harmful effects.
10 Advanced Clean Cars II is not a luxury. It's a
11 difference between life and death for many
12 residents across Delaware.

13 The American Lung Association's 2023
14 State of Air Report, released this month, found
15 significant exposure to annual participle
16 pollution, unhealthy levels of ground level ozone
17 air pollution and the short spikes in the particle
18 pollution across Delaware, more than 81 percent of
19 Delaware residents live in counties that do not
20 meet federal EPA Clean Air Standards for ozone or
21 are in maintenance, which means they have to
22 actively work to reduce emissions communities of
23 color and low wealth communities in Delaware, bear
24 an especially unfair burden of fuel costs and
25 comparable air pollution due to decades of

1 systemic marginalization.

2 A 2017 study conducted by the Union
3 of Concerned Scientists, found that select
4 communities which had high poverty rates and
5 higher percentages of people of color than state
6 averages, had higher risk of cancer and potential
7 for respiratory illnesses that stand from toxic
8 outdoor air pollution.

9 We're constantly learning more and
10 more about the positive effect of zero emission
11 vehicles. For an example, a real-world study
12 published just a few weeks ago demonstrated that
13 for every additional 20 zero emission vehicles per
14 1,000 people, there was a 3.2 percent drop in the
15 rate of asthma-related emergency visits and a
16 small suggestive reduction in O2 levels. This
17 means that families, individuals and communities
18 have already started to see the life-changing
19 effect of breathing clean air.

20 Ensuring that Delaware has more
21 transportation options for consumers that
22 individual businesses and governments will have
23 opportunity to improve local air and quality and
24 protect the health, we must give them that choice.

25 The status quo for the majority of

1 our transportation methods continue to make us,
2 our planet, very sick, does not and should not
3 need to remain our reality --

4 MS. CHILDEARS: Our current commenter
5 is Gloria Steele, followed by Walter Yasiejko.

6 MRS. SWEENEY: I'm not seeing any
7 participants named Gloria Steele. If you're
8 present, please raise your hand.

9 I'm not seeing any hands raised. If
10 we can move on to the next commenter.

11 MS. CHILDEARS: Our current commenter
12 is Walter Yasiejko, followed by Richard Lamb.

13 MRS. SWEENEY: Not seeing any
14 participants by that name, if you are present
15 please raise your hand.

16 I'm also not seeing any participants
17 by the name of Richard Lamb. If are you present,
18 please raise your hand.

19 MRS. SWEENEY: I'm not seeing any
20 hands raised. If we can move on to the next two
21 commentaries.

22 MS. CHILDEARS: Our current commenter
23 is Carl Schwatka, followed by Annette Schwatka.

24 MRS. SWEENEY: I'm not seeing any
25 participants by either of those names if you're

1 present please raise your hand. Again, if you're
2 on the phone, that's star nine.

3 Not seeing any hands raised, if we
4 can move on to the next commenter.

5 MS. CHILDEARS: Current commenter is
6 John Emberger, followed by Diane Andrews.

7 MRS. SWEENEY: Not seeing any
8 participants named John Emberger. We have a John.
9 If that's you, please raise your hand.

10 Diane Andrews, if you are present,
11 please raise your hand. We'll go back to John. I
12 saw a hand raised.

13 JOHN: My name is John, not John
14 Emberger.

15 MRS. SWEENEY: I'm sorry, we're only
16 able to recognize registered commenters.

17 MS. CHILDEARS: Current Diane Andrews
18 followed by Al Liebeskind.

19 MRS. SWEENEY: I'm not seeing any
20 hands raised by Diane Andrews. We'll move on to
21 next commenter.

22 MS. CHILDEARS: That would be Al
23 Liebeskind, followed by Elektra Hammond.

24 MRS. SWEENEY: I'm not seeing any
25 participants named Al Liebeskind. If you're here,

1 raise your hand.

2 And I'm not seeing any participants
3 my the name of Elektra Hammond. If you are
4 present, please raise your hand.

5 Not seeing any hands raised, if we
6 can move on to the next commenter.

7 MS. CHILDEARS: Our current commenter
8 would be Mike Hammond, followed by Ellen Gallo.

9 MRS. SWEENEY: Not seeing any
10 participants by either of those names, Mike
11 Hammond or Ellen Gallo, please raise your hand.
12 That's star nine if you're on the phone.

13 Not seeing any participants with
14 their hands raised, if we can move on to the next
15 commenter.

16 MS. CHILDEARS: Stephanie Malleus,
17 followed by Crystal Baynard.

18 MS. MALLEUS: Yeah, good evening. My
19 name -- can I be heard?

20 MS. CHILDEARS: Yes.

21 MS. MALLEUS: Good evening. My name
22 is Stephanie Malleus. I'm a family physician and
23 been a family physician in the State of Delaware
24 for 40 years. I'm speaking on behalf of the Mid
25 Atlantic Alliance for Climate and Health and

1 attributed to your patients, I'll truncate my
2 remarks.

3 Every practicing healthcare provider
4 is well aware of the far-reaching damage brought
5 by air pollution. We daily care for the 15,000
6 children and 85,000 adult Delawareans who suffer
7 from asthma and others who are affected by
8 emphysema and lung cancer. Delaware, in fact, has
9 one of the highest rates of pediatric asthma in
10 the country.

11 Okay. Brain fog in school children
12 transported on diesel fuel buses, heart disease,
13 preterm births, sleep disturbance and obesity
14 levels, are just a few of the other illnesses we
15 create or make worse due to our inordinately high
16 level of smog.

17 Children whose lungs and brains are
18 developing, older people, and those who work
19 outdoors, as well as those who live in more in
20 communities situated closer to the pollution
21 sources, are at highest risk. But, be clear, that
22 no one who breathes is immune from the damage that
23 poor air quality silently inflicts.

24 Fine particulate matters swept into
25 the tiny branches into our lungs and across

1 membranes into our blood streams can effect lung
2 tissue, as well as other systems.

3 And our smog issue is primarily
4 caused in Delaware by vehicle exhaust on the
5 roads, and this smog problem will worsen as the
6 climate warms.

7 The good news is that there is
8 evidence, good evidence, that these health
9 outcomes will quickly improve if our levels of air
10 pollution are significantly decreased.

11 ACCII will make electric alternatives
12 to outmoded fossil fuel power available to
13 purchase in Delaware. It's not perfect, but
14 certainly a big improvement that will go a long
15 way towards improving our collective health.
16 Thank you very much.

17 MS. CHILDEARS: Our current commenter
18 is Crystal Baynard, followed by Susan Cole.

19 MRS. SWEENEY: We don't have any
20 participant called Crystal Baynard or Susan Coe.
21 If you're present, please raise your hand.

22 I'm not seeing any hands raised, if
23 we can move on to the next commenter.

24 MS. CHILDEARS: That would be Thomas
25 Boylan, followed by Anna Quisel.

1 MR. BOYLAN: Hi. Good evening. My
2 name is Thomas Boylan. And I'm the regulatory
3 director at the Zero Emission Transportation
4 Association or ZETA. ZETA is a coalition spanning
5 the entire electric vehicle supply chain,
6 including vehicle and battery manufacturers,
7 charging companies, critical mineral developers,
8 energy providers and many more.

9 I want first thank DNREC for bearing
10 with us tonight and the opportunity to comment on
11 the proposal to adopt the Advanced Clean Car II
12 program. ZETA supports this action and we believe
13 it's an important step for decarbonizing the
14 transportation sector.

15 Electrification will not only reduce
16 emissions, but will promote economic
17 competitiveness and create good-paying jobs.
18 Based on Zeta's own research, private sectors
19 investments in the domestic EV supply chain total
20 at least \$200 billion and support nearly 400,000
21 American jobs.

22 And, thanks to the incentives in the
23 Federal Inflation Reduction Act, the industry is
24 moving at an unprecedented speed to scale up the
25 domestic EV supply chain at every stage of

1 production.

2 Industry confidence in electric
3 vehicles is paralleled by public opinion. They're
4 going to show a bipartisan majority 68 percent of
5 Americans have a positive opinion of EVs. And
6 what's more, a 2022 JD Power study showed that 96
7 percent of EV owners say they will purchase
8 another EV in the future.

9 While some critics will point to
10 great instability, studies have widely concluded
11 that U.S. energy providers can and will rise to
12 this occasion.

13 A 2019 Department of Energy study
14 found that sufficient energy power generation is
15 expected to be available to support high EV market
16 growth as it evolves over time.

17 The Department of Energy own
18 alternative fuels data center has mapped 146
19 public EV charging stations in Delaware alone, and
20 that doesn't include at-home charging, where the
21 vast majority of charging occurs today.

22 While it's already easy for EV
23 drivers to find a charge, the expansion of our
24 National Charging Network through the NEVI formula
25 program, coupled with millions of dollars in

1 private capital, will only further inspire
2 confidence in the technology.

3 And yet another positive development,
4 U.S. private sector announced 96 new or expanded
5 battery manufacturing facilities since January of
6 2021.

7 Delaware has an opportunity to lead
8 in this space by implementing the Advanced Clean
9 Car II program that will produce good-paying
10 American jobs, reduce consumer costs, improve
11 public health and reduce carbon emissions and also
12 send a strong signal across the EV supply chain
13 that robust demand for electric automotive
14 technologies is here to stay when laying the
15 groundwork for further industry expansion.

16 I want to thank you again for the
17 opportunity to testify today and we look forward
18 to submitting written comments expanding on many
19 of these points.

20 MS. CHILDEARS: Our current commenter
21 is Anna Qiusel, followed by Austin Gray.

22 ANNA QUISEL: My name is Anna Quisel.
23 I'm A retired family physician and member of the
24 Mid Atlantic Alliance for Climate and Health with
25 my colleague Stephanie Malleus. I don't want to

1 be too repetitive, but I want to echo the words of
2 other healthcare practitioners in our line of
3 work. We've seen too many Delawareans struggle to
4 breathe. This is a big problem here in Delaware.
5 And Advanced Clean Car II program gives us a
6 chance to help. So I'm strongly in favor of the
7 ACCII as an important step towards healthier air
8 in our state.

9 Delaware continues to lag behind
10 other states in clean vehicle adoption. By one
11 report, we're ranked near the bottom at number 40
12 on electric car registration. Of total registered
13 cars in Delaware, only less than 1 percent are
14 electric.

15 We can't buy electric cars here in
16 Delaware. ACCII will help us get clean vehicles
17 in our state.

18 Regarding health, we all benefit from
19 electric vehicles on the road in Delaware. We all
20 share the air that is being polluted by the smoke
21 coming out of car tailpipes.

22 The most recent air pollution report
23 from the American Lung Association shows an
24 increase in dangerous particle solutions from
25 fossil fuel vehicles here in New Castle County.

1 So, the window for joining ACCII
2 closes soon. And I truly hope that Delaware will
3 not miss this chance for bettering our state for
4 the chance to improve local health conditions and
5 to provide some environmental justice for urban
6 and front line communities.

7 I strongly support DNREC's
8 forward-looking proposal to implement the ACCII.
9 Thank you so much for the chance to speak.

10 MS. CHILDEARS: Our current commenter
11 is Austin Gray. Followed by Susan Mack.

12 AUSTIN GRAY: Hello. My name is
13 Austin Gray. I live in southern New Castle
14 County, speaking tonight on behalf of myself. I'm
15 22 years old. And my generation will be forced to
16 live with the devastating effects of climate
17 change.

18 Therefore, I strongly recommend
19 adoption of the Advanced Clean Car II regulations.
20 I've adjusted my comments slightly in light of
21 other comments that have been made.

22 It's well accepted that automobile
23 producers are already committing to producing only
24 electric vehicles in the near future.

25 We can debate how that transition

1 will occur. We do know that automobile producers
2 are, on their own, phasing out gasoline-powered
3 cars. Unfortunately, this market does not exist
4 in Delaware.

5 I've been searching for an EV because
6 I believe that would be the best investment of my
7 money. In global economic suffering from impacts
8 of post-pandemic inflation surge, finding ways to
9 save money is really important to me right now.

10 And it is obvious the net benefit of
11 owning and maintaining an electric vehicle
12 cost-wise outweigh those of a gasoline powered
13 vehicle. Unfortunately, my search in Delaware has
14 been unsuccessful.

15 These regulations are not a mandate,
16 contrary to opposing opinions. Currently, I do
17 not have a right -- I do not have the choice to
18 purchase an electric vehicle in Delaware. I'm
19 effectively being mandated right now to
20 gasoline-powered vehicles. My choices are being
21 taken away if we do not adopt these regulations.

22 As seen previously by adopting these
23 regulations, we'll send a message to the auto
24 industry that Delaware does indeed want to sell
25 electric vehicles. I strongly urge DNREC to adopt

1 the Advanced Clean Car II regulations and I thank
2 you very much for the opportunity to participate
3 in this hearing tonight.

4 MS. CHILDEARS: Current commenter is
5 Susan Mack, followed by Harry Wille.

6 MRS. SWEENEY: We don't have any
7 participants with those names. If you are
8 present, please raise your hand.

9 Not seeing any hands raised, if we
10 can name the next two commenters.

11 MS. CHILDEARS: Dale Davis and Bob
12 Mobley.

13 MRS. SWEENEY: Neither of those
14 commenters seem to be online. If you're present,
15 please raise your hand. I'm not seeing any hands
16 raised. If we can move on to the next two
17 commenters.

18 MS. CHILDEARS: Amy Kyle followed by
19 Kirk McCauley.

20 AMY KYLE: My name is Amy Kyle. And
21 I live down in southern Sussex County. And I --
22 my three points I want to make at the end of this
23 long evening are, first of all, the electric cars
24 are cool. And I don't know if that's an allowable
25 reason for you to move towards those. But you

1 know, you don't have to deal with the gas. You
2 don't have to have the fumes. You don't have to
3 pay so much to fill them up. And they're quiet.
4 So I think there's some other reasons that people
5 that I know have electric cars, all love them and
6 they wouldn't go back to gas.

7 The second thing I wanted to say is
8 that with regard to climate, Delaware is a
9 low-lying state. We're getting flooding already
10 and we're going to flood more. And I think it's
11 really important for us to do our fair share
12 towards climate. You know we can't sit here and
13 say, well we're not going to bother to try to get
14 rid of our emissions, while we think other people
15 are going to do that, so that our state doesn't
16 get flooded all the time.

17 So, I think we really have to step up
18 there to do our fair share. And this is clearly
19 part of that.

20 Then third of all, I'm a retired
21 environmental scientist. And people have made a
22 lot of great comments about the health issues and
23 impacts. And I just wanted to add two things that
24 have not been said, I think.

25 And one of those is that we've

1 learned in our research over the last 20 or so
2 years that there's really no safe level for these
3 pollutants. And so even though we have reduced
4 numbers considerably, we're still seeing impacts
5 as we continue to move down, because it's just bad
6 for you, even at a low level. You get that
7 reactive ozone in your lungs and if you're young,
8 it prevents them from developing fully. And if
9 you're old, it prevents you from having as much
10 function as you would have. So you can't breathe
11 as well. And if you have pulmonary or sometimes
12 cardiac related effects, you die sooner, you know.
13 So that's a real effect.

14 And you -- probably people in all of
15 our families have experienced that. So getting
16 rid of all of this pollution is really better than
17 not doing that from a health point of view.

18 And the other thing I wanted to say
19 as we talk about sensitive groups, including the
20 younger people and the older people, but with any
21 luck, we're all both of those, right? We start
22 off as a young person and we get to be an old
23 person if we're older. So that pretty much
24 encompasses everyone.

25 And for the people who live in

1 communities that are highly impacted, a lot of
2 times that's because of land use decisions that
3 equally distribute pollution and the way to solve
4 that is to stop the pollution. Please move
5 forward with this. And thank you for having this
6 hearing.

7 MS. CHILDEARS: Our current commenter
8 is Kirk McCauley, followed by Andrea
9 Marpillero-Colomina.

10 KIRK McCAULEY: My name is Kirk
11 McCauley. I represent WMDA convenience store,
12 service stations and all repair shops in the State
13 of Delaware.

14 Delaware low emissions vehicle
15 program regulations will effect the entire state
16 with regulations to drive up cost of
17 transportation, and put vehicle purchases out of
18 the reach of a large segment of Delaware residents

19 The infrastructure in electrical
20 transmission is not ready for the regulations.
21 Transportation alone and motor fuel tax will
22 effect the roads to maintain.

23 Contrary to what is said, all of
24 Delaware residents will be affected, even if they
25 don't drive a vehicle by increase of electrical

1 costs and costs of infrastructure. Decisions that
2 effect all residents should be made by general
3 assembly.

4 The environmental lawyer who
5 testified said she hoped Delaware had the
6 political will. And she was right. This is just
7 -- the decision should be made that affect every
8 resident should be made by those elected and held
9 accountable by Delaware residents of Delaware
10 general assembly should be making these
11 recommendations. Thank you?

12 MS. CHILDEARS: The current commenter
13 is Andrea Marpillero-Colomina.

14 MRS. SWEENEY: We don't see Andrea as
15 a participant. If you are here, please raise your
16 hand.

17 I'm not seeing any hands raised, if
18 we can go on to the next commenter.

19 MS. CHILDEARS: Lydia Robb, followed
20 by Andrew Hazzard.

21 LYDIA ROBB: My name is Lydia Robb.
22 I live in Wilmington, Delaware. And I want to
23 thank the department for a very informative
24 presentation, the beginning of this hearing and
25 all of the testimony that has been factual and

1 very relevant to the Clean Car II regulations.

2 I'm really passionate about leaving a
3 cleaner, healthier planet for my grandchildren and
4 their future families. Three are now adults, and
5 have studied climate change. And they told me how
6 worried they are about air quality and health and
7 how committed they are to electric vehicles. Most
8 of what I was going to say has already been
9 mentioned. It's hard for me to understand, why
10 would anyone not want to contribute to improving
11 the health of our planet and for all the people
12 who live and work in Delaware.

13 There's a lot of misinformation. The
14 ACCII does not force or require anyone to purchase
15 an electric vehicle. But it enhances the choices,
16 as we have heard, for those who wish to drive
17 clean cars. We owe it to ourselves and the future
18 generations to advance clean cars in Delaware. I
19 strongly support and urge acceptance of ACCII.
20 Thank you.

21 MS. CHILDEARS: Our current commenter
22 is Andrew Hazzard, followed by Francois Reverdy.

23 MRS. SWEENEY: We don't have any
24 participants by those names. Please raise your
25 hand if you're present, that's star nine if you're

1 joining us by phone.

2 Not seeing any hands raised, if we
3 can move on to the next commenter.

4 MS. CHILDEARS: The current commenter
5 would be Francoise Reverdy, followed by Marcia
6 Scott.

7 MRS. SWEENEY: We don't have any
8 participant by either of those names. If you're
9 present, please raise your hand.

10 Not seeing any hands raised, if we
11 can move on to the next commenter.

12 MS. CHILDEARS: Sophie Phillips,
13 followed by Mark Nardone.

14 MRS. SWEENEY: Not seeing Sophie
15 Phillips. If you can raise your hand? Not seeing
16 any hands raised, if we can move on to Mark
17 Nardone.

18 MARK NARDONE: Hello. Thank you.
19 Thank you for your forbearance tonight.

20 I work in the environmental field
21 conservation organization, but I speak tonight as
22 a concerned life-long Delawarean.

23 And I do urge to adopt Clean Car II
24 regulations in order to reduce greenhouse
25 emissions and reduce air quality in those

1 overburdened by pollution.

2 A lot of commenters made the points I
3 would like to make. I'll say simply this, more
4 than 80 percent of residents live in counties that
5 do not meet EPA's Clean Air standards for ozone.
6 We all pay the price of air pollution and health
7 outcomes and healthcare costs.

8 And communities of color and lower
9 income communities are especially impacted.
10 They're often citing their major transportation
11 routes, the residents suffer increased medical
12 risks and conditions from vehicular pollution such
13 as pediatric asthma simply is not fair.

14 If we find it difficult to reduce our
15 dependence on motorcycles and reduce the number of
16 vehicles on our roads, we can make them cleaner.

17 ACCII will mitigate pollution impacts
18 by allowing far more electric vehicles cars, that
19 do not emit greenhouse gasses or particulate
20 pollution.

21 That's a benefit to human health and
22 it is necessary to reduce the greenhouse gasses
23 that cause climate change and sea level rise.
24 This is especially important in Delaware which is
25 the lowest lying state in the nation by average

1 elevation.

2 Our state and federal governments
3 have heard the warnings of climate scientists and
4 they have recognize the need to end sales of new
5 gasoline powered light duty vehicles by 2035.

6 We'll not achieve 100 percent
7 electric car sales by 2035, unless we commit to a
8 strong, steadily increasing year over year sales
9 requirements that achieve at least 75 percent zero
10 emission vehicle sales by 2030.

11 ACCII will put states on this path
12 and will go a long way in helping to meet our
13 goals for reduction of greenhouse gas emissions as
14 stated in Delaware's climate action plan.

15 It's our right as a state to adopt
16 air quality standards that exceed the federal
17 standard. California has led the way in
18 regulating air pollution, and Delaware with lower
19 air quality overall should follow it.

20 Clean air, like safe water, should be
21 considered a natural right, one to be protected at
22 all costs so that we may all live longer,
23 healthier lives. Thanks very much for the
24 opportunity to comment tonight.

25 MS. CHILDEARS: Sarah Bucic, followed

1 by Mark Durbano.

2 MS. BUCIC: Good evening, can you
3 hear me okay?

4 MS. CHILDEARS: Yes.

5 SARAH BUCIC: Great. My name is
6 Sarah Bucic. Thank you for allowing me the
7 opportunity to provide comments today.

8 I've been a registered nurse here in
9 Delaware for over 20 years and I've lived here
10 over 40 years. And tonight I'm representing the
11 Alliance of Nurses for Healthy Environments.
12 We're the only national nursing organization
13 focused solely on the intersection of environment
14 and health.

15 And I will be submitting more
16 expansive comments. But I just wanted to state
17 that we are here today to request that Delaware's
18 Department of Natural Resources amend these
19 regulations and update them by adopting the
20 California's Advanced Clean Car II Low Emission
21 Vehicle and Greenhouse Gas Standards and add
22 requirements for zero emitting vehicles for model
23 year 2027 and beyond.

24 As nurses, we're very supportive of
25 this initiative by DNREC. A lot of the comments

1 said tonight, we agree with. But most of all,
2 pollution from the transportation sector has been
3 a long-standing obstacle to advancing
4 environmental justice.

5 And as many communities of color and
6 low-income families live near areas where
7 pollution from vehicles and engines is abundant,
8 they therefore experience disproportionate
9 exposures to this pollution.

10 And numerous communities throughout
11 our state live within close proximity to I95, to
12 Route 1 and communities near the Port of
13 Wilmington have long experienced the health
14 impacts of vehicle pollution. These proposed
15 standards are not a ban on gasoline cars, but
16 they're a requirement on auto makers, not
17 customers

18 No one is being forced to buy
19 anything under this proposal. Plug-in hybrids,
20 which have gasoline engines, are eligible vehicles
21 under this program, and the rule does not affect
22 vehicles which are used vehicles which are the
23 majority of sales nationwide.

24 Gas cars will remain beyond 2050.
25 Delaware is not being forced to follow all

1 California regulations moving forward. There's no
2 requirement for Delaware to adopt these standards.
3 Instead, Delaware would be acting on the ability
4 under federal law to adapt stronger standards that
5 provide benefits to our state.

6 People can still buy and sell used
7 gas-powered cars, but new ones would no longer be
8 delivered in ACCII states after 2035.

9 We know that almost every auto
10 manufacturer has already committed to not making
11 and selling any more gas-powered cars after that
12 year. So we ask that Delaware and -- support this
13 health-protective safeguard for Delawareans to
14 have the choice to breathe cleaner air. Thank
15 you.

16 MRS. SWEENEY: Our next commenter is
17 Mary Joe Foley Birrenkott.

18 MARY JOE FOLEY BIRRENKOTT: My name
19 is Mary Joe Foley, representing the Rural and
20 Agriculture Council of America testifying in
21 opposition to this proposed amendment. Several
22 concerns throughout this opposition, including
23 initial cost and upkeep of electric cars and
24 feasibility of electric vehicles in rural areas
25 and the effect of a government-imposed mandate on

1 the free market.

2 With inflationary pressures already
3 putting the squeeze on household budgets, it is
4 completely unreasonable to ask Delawareans to
5 shoulder even more daily costs.

6 Delaware's average per capita income
7 is \$38,917, according to the latest numbers from
8 the U.S. census.

9 The Kelly Blue Book reports the
10 average price for brand new electric vehicle at
11 \$55,000, while average four-door sedan costs
12 around \$35,000. Beyond that initial \$20,000 price
13 difference, the American Automobile Association
14 estimates that electric vehicle owners spend, at
15 minimum, \$600 more annually. Despite its size,
16 Delaware is still mostly rural below the
17 Chesapeake and Delaware canal.

18 At a U.S. Health Agriculture
19 Committee hearing, Mark Mills, senior fellow of
20 the Manhattan Institute testified that EVs cannot
21 meet the overall practical performance
22 requirements, especially in rural areas.

23 There are a number of hidden costs in
24 rural areas, including more power grid outages,
25 which are already 50 percent more frequent than in

1 urban areas.

2 Rural residents are still able to
3 travel in a power outage with a full tank of gas.
4 However, if a grid outage happened and only -- and
5 the only available vehicle was electric, the
6 homeowner would have had to have spend over 30,000
7 on installing a home-based battery storage system
8 that could hold enough backup power to fill up
9 just half of the battery.

10 By definition, rural areas are
11 sparsely populated and, as such, those living in
12 these regions are largely self-sufficient.
13 Therefore, it is not only the lower driving
14 performance of electric vehicles that worries
15 rural Americans, it's the unreliability of these
16 vehicles in the case of a natural disaster or
17 emergency.

18 Lastly, electric vehicle ownership
19 shouldn't be a decision made by the government. A
20 free market is one that operates voluntarily with
21 little or no government control. The proposed
22 amendments give the executive branch the authority
23 to choose winners and losers in the marketplace by
24 subplanting traditional auto manufacturers through
25 the subsidizing of electric vehicle manufacturers.

1 For consumers seeking to purchase electric
2 vehicles, we recognize their place in the greater
3 automobile marketplace; however, not all
4 Delawareans would like to own a costly electric
5 vehicle.

6 The Rural and Agriculture Council of
7 America would like to join the majority of
8 Delaware residents in opposition to proposed
9 amendments to the Delaware low emission vehicle
10 program. We urge --

11 MRS. SWEENEY: Next commenter is
12 Caroline Dritschel.

13 CAROLINE DRITSCHEL: Can you hear me?

14 MRS. SWEENEY: Yes.

15 CAROLINE DRITSCHEL: My name is
16 Caroline Dritschel. And I'm strongly in favor of
17 adopting the Advanced Clean Car II program.
18 Former president John F. Kennedy stated, change is
19 the law of life. And those who look only to the
20 past or present are, certain to miss the future.

21 Under the ACCII program, we'll have
22 the option of purchasing electric vehicles in
23 state, thus keeping our car dealers in business,
24 and keeping the money in our state. With the
25 addition of electric vehicles coming to Delaware,

1 more charging stations will be built and made
2 available like gas stations are today. And as an
3 additional bonus, tailpipe pollution will lessen,
4 so our air quality will be better.

5 Is this to say you'll be forced to
6 purchase an electric vehicle now? No. Gas
7 powered vehicles will be here for quite sometime
8 and so will gas stations. But that doesn't mean
9 change will not occur.

10 I realize that there are those who
11 instill fear that you'll be forced to purchase an
12 electric vehicle, which you may not be able to
13 afford. No one is saying that gas powered cars
14 will not be around for the foreseeable future.

15 But let us not lose sight, electric
16 cars are the future and Delaware needs to be
17 prepared to meet it. So it would be wise to join
18 the bandwagon now.

19 In closing, John D. Rockefeller had
20 stated, don't be afraid to give up the good, to go
21 for the great. We should take heed of this
22 advice.

23 Thank you for letting me voice my
24 point of view.

25 MRS. SWEENEY: The next commenter is

1 Satorah Roberson with Jay Cooperson up next.

2 SATORAH ROBERSON: Hello. Good
3 evening. My name is Satorah Roberson. I'm a
4 policy advisor with Tesla. I thank you for the
5 opportunity to support Delaware's adoption of
6 Advanced Clean Car II.

7 Tesla's mission is to accelerate the
8 world's transition to sustainable energy.

9 Moreover, Tesla believes that the
10 world will not be able to solve the climate change
11 crisis without directly reducing air pollutant
12 emissions from the transportation and power
13 sectors.

14 Tesla strongly believes Delaware's
15 expansion of the low emission vehicle and zero
16 emission vehicle regulations that would apply to
17 model years 2027 and beyond, as we did in
18 California.

19 Transportation emission reductions
20 should be a top priority for Delaware, especially
21 from passenger and light duty vehicles.

22 The 2018 sector emission review
23 shared in the last stakeholder presentation shows
24 that passenger cars and light duty trucks
25 represented 60 percent of Delaware's GHG emission

1 from transportation, with transportation
2 outweighing all other segments.

3 Air pollution is estimated to cause
4 over 200,000 premature deaths in the U.S. each
5 year, with more than half caused by transportation
6 emissions.

7 Importantly, some stakeholders
8 suggest that a reasonable alternative to ACCII
9 adoption is to consider applying for a state
10 implementation plan waiver. Based upon global
11 U.S. and local scientific evidence, this is
12 entirely unreasonable.

13 The current level of ground level
14 ozone national ambient air quality standards
15 retained by Trump administration were
16 scientifically controversial and remain under
17 consideration by the Biden administration. The
18 EPA expects its final reconsideration in the
19 spring of 2024. And based upon scientific
20 evidence indicating a more stringent standard will
21 provide significant public health and welfare
22 benefits, Delaware should expect the ozone acts
23 levels to be lowered. Planning to reduce
24 transportation emissions now is critical to ensure
25 the state is on the path to attainment under

1 future, more stringent standards and the shift
2 should be adjusted accordingly.

3 Further, Tesla believes the pace of
4 electric vehicle innovation, cost reductions and
5 investments, coupled with public health and
6 welfare initiatives to address air pollution, even
7 accelerating impacts of climate change, support
8 adoption of ACCII.

9 Tesla will submit additional written
10 evidence that directly contradicts the opposition
11 claims that EV costs are rising, and that battery
12 cell mineral supply and charging infrastructure
13 investment is reason to believe ACCII is not
14 attainable.

15 Thank you again for the opportunity
16 to comment and support Delaware's efforts to
17 mitigate the detrimental effects caused by
18 emission transportation related emissions.

19 MRS. SWEENEY: Next is Jay Cooperson,
20 if you can raise your hand if you're online.
21 Thank you.

22 JAY COOPERSON: Can you hear me?

23 MRS. SWEENEY: Yes, sir.

24 JAY COOPERSON: Yes. Thank you for
25 the opportunity to speak today in support of the

1 amendments to 7DE Admin. Code 1140 that will
2 increase the availability of electric vehicles.

3 Others speaking tonight have dealt
4 with specific aspects of this legislation -- of
5 this regulation. My concern is rather with
6 disinformation that underlies the opposition to
7 this bill.

8 Underlying this opposition is the
9 professed disbelief in global warming. At a
10 previous public hearing, an opponent of this
11 regulation stated that global warming was a
12 democratic hoax.

13 The Worldwide, the universal
14 recognition of manmade global warming by
15 scientists and national leaders beyond this
16 country undercuts this politically-generated
17 opposition.

18 Even if one did not believe in the
19 opinion of reputable scientists as compared to the
20 handful enthralled to the Koch brothers, the
21 response of provided industry for the need for
22 electric vehicles as one element in the struggle
23 against climate warming is clear.

24 As a partner in an architectural and
25 engineering firm, I receive on a daily and weekly

1 basis, reports in engineering news report and
2 construction guide reports like these. In Nevada,
3 a battery plant expanding with a \$2 billion loan.
4 Or building a \$3.5 billion Michigan battery plant.

5 Lake Hoe is building a 1.5 billion
6 Indiana battery plant. Ford Motor Company is
7 building another plant in Glendale, Kentucky.

8 And Samsung is building a chip plant
9 in Texas for a cost of reportedly \$25 billion.

10 Then there's the issue of choice.

11 Those who have claimed these
12 amendments to the Delaware code will deprive them
13 of their gasoline driven vehicles that clearly not
14 read or understood it. Conversely, the failure to
15 pass this legislation will clearly perpetuate the
16 current situation, the situation that makes it
17 impossible or difficult to buy an electric vehicle
18 in this state and where I live and work. Thank
19 you for this opportunity.

20 MRS. SWEENEY: Our next commenter is
21 Linda Sanders.

22 LINDA SANDERS: Hello. My name is
23 Linda Sanders. And I'm speaking tonight in favor
24 of the ACCII. I, on September 2nd, 2022, my
25 electric vehicle was murdered by a drunk driver.

1 I was rear ended in my 2020 Toyota Prius Prime was
2 totaled in the accident.

3 Luckily, I was okay. But I was
4 dismissed -- dismayed to find out that I could not
5 replace my electric vehicle because there was
6 nowhere in Delaware where I could purchase an
7 electric vehicle.

8 I was forced to buy a hybrid gas
9 vehicle, which was the best environmentally
10 responsible car that I could find.

11 I had not purchased gasoline for
12 almost two years, and now I'm back at the gas pump
13 about twice a month and contributing to the poor
14 air quality in the State of Delaware.

15 I love my electric car and wanted to
16 buy a new one. I had only 30 days to find a
17 replacement car, dictated by my car insurance
18 policy. And an electric vehicle had at least a
19 six-month waiting time for delivery because auto
20 makers are not prioritizing non ACCII states.

21 I want to drive electric. I'm not
22 trying to force anyone else to do so. But without
23 this program, my options are virtually nonexistent
24 to purchase the car I want.

25 I just want our state to join nearly

1 every other state around us in having these cars
2 available and having our state as a priority in
3 the eyes of car makers that have already making
4 this transition.

5 Please adopt this program and get
6 electric vehicles available in our state. Let
7 Delawareans participate in this rapidly-expanding
8 market. Please let Delaware adopt ACCII and let
9 those of us who want electric vehicles be able to
10 buy them.

11 PEGGY SCHULTZ: Thank you so much.
12 And I hope you pass this legislation. Thank you.

13 MRS. SWEENEY: Next up we have Peggy
14 Schultz.

15 Thank you for this opportunity to
16 speak. I'm speaking on behalf of the League of
17 Women Voters of Delaware. Although I'm speaking
18 for the league and the league support's actions
19 that will lead to a mitigation of the causes of
20 climate change.

21 My personal experience has been a
22 driving force in the drafting of this statement
23 and I'm going to cut these remarks a bit short
24 because a number of other people have shared how
25 difficult it is to find a car, an EV in Delaware.

1 And the waiting list for new cars are long. And
2 it's very difficult to find a used car.

3 The ACCII will give us choices. So
4 that we can do something to mitigate climate
5 change and save money if we want to under the
6 provisions of the ACCII auto makers will be
7 required to supply an increasingly larger number
8 of ZEVs every year to Delaware, culminating in
9 2035 with a new car supply stream that will be 100
10 percent electric.

11 However, used internal combustion
12 cars, as well as used EVs, will still be plentiful
13 on used car lots. Autotrader.com says Americans
14 are three times more likely to buy a used car than
15 a new one.

16 So used gasoline-fueled cars and used
17 EVs will be the most common cars on the road for
18 many years. Pricewise, you'll pay more up front
19 or for an EV, but recent research shows a slight
20 price advantage in the long run for an EV because
21 of less upkeep and cheaper fuel costs if you add
22 on the possibility of federal tax credits from
23 2500 to \$7500 and state rebates of \$2500, you'll
24 be ahead financially when you buy a EV.

25 Looking once between - at the

1 league's position on mitigating climate change, we
2 remember what Senator Harris McDell used to say
3 about emissions. The cleanest emissions are the
4 ones you never use. Given that the IPCC gives us
5 just one decade to cleanup our act so that we
6 don't bring the world into a condition from which
7 it cannot recover, the league vigorously support
8 the Advanced Clear Car II regulations.

9 MRS. SWEENEY: The next commenter is
10 Willie Scott and on deck is James Berryhill.

11 WILLIE SCOTT: Thank you. Willie
12 Scott from Wilmington, Delaware. And I'll speak
13 in support of ACCII. The first full disclosure, I
14 built my first engine on a desk in my bedroom at
15 age 15, an engine for the '63 Austin Healey Bugeye
16 Sprite I planned to race.

17 My love affair with automobiles took
18 me into sports car racing and drag racing. And I
19 still enjoy most forms of motor sports, and
20 driving my 1970 Camaro on sunny days. I'm what's
21 known as a gearhead, but I'm also a realist. I
22 know just as my beloved internal combustion engine
23 replaced the horse and buggy, we're now at an
24 inflection point. It must now be replaced as a
25 primary means of auto propulsion.

1 There are issues to absolve. The
2 availability of charging stations in densely
3 populate areas and supporting long distance
4 travel, and affordability and availability of EVs,
5 especially to low income families and individuals.
6 Though there are several EVs that sell for less
7 than \$30,000.

8 But this is 12-year transition plan,
9 which affords us time to resolve these issues with
10 the benefits of advancement in technology and the
11 drive for market forces and profit opportunities
12 we're already seeing forming.

13 We also have to recognize that while
14 regional air pollution is an issue, we still have
15 to consider and protect Delaware residents living
16 near high-traffic areas, where concentration of
17 ozone and PM are much higher than those in local
18 areas -- than those in -- I'm sorry, are much
19 higher in those localized areas than our state and
20 regional data suggests.

21 Some say that a small state like
22 Delaware can't have an impact on soil and climate
23 change or improving air quality, because China
24 still burns coal, or some of Delaware's air
25 pollution comes from neighboring states.

1 It's true that we alone can't fix the
2 world. But we have to do our part.

3 We cannot stay on the sidelines. We
4 have to start now to address our EV infrastructure
5 needs and address the well-documented
6 environmental and environmental justice problems
7 associated with internal combustion engines.

8 Just as the Model T made automobiles
9 affordable, and gas stations eventually popped up
10 on nearly every corner; the transition from horse
11 and buggy marched on. And the anxieties and
12 misassociated with the ICE, when ICE power
13 vehicles subsided, we are given an inflection
14 point and must move forward. I strongly support
15 the adoption of this program. Thank you for the
16 opportunity to speak.

17 MRS. SWEENEY: Next up is James
18 Berryhill with Nickolaus Smith on deck.

19 JAMES BERRYHILL: Good evening. Are
20 you all able to hear me?

21 MRS. SWEENEY: Yes.

22 JAMES BERRYHILL: Hello?

23 MRS. SWEENEY: Yes, we're able to
24 hear you.

25 JAMES BERRYHILL: Sorry about that.

1 Hi. My names is James Berryhill and I'm here to
2 testify on behalf of state senator Sarah McBride,
3 who is unfortunately unable to attend due to
4 another commitment this evening. I'll try to keep
5 this brief, since I know a lot of this has already
6 been said.

7 But adopting strong vehicle centers
8 will generate significant public health and
9 climate benefits in Delaware while guaranteeing
10 that our state is fully prepared for the
11 inevitable transition to electric vehicles.
12 Adopting the ACCII reg -- standard, does not ban
13 the sale or ownership of internal combustion
14 vehicles, it does not force drivers to replace
15 their current vehicle, nor does it dictate what
16 type of vehicle a consumer must purchase.

17 In fact, this regulation isn't even
18 the deciding factor between Delaware stock of new
19 vehicles eventually becoming zero emissions
20 vehicles or not. That's already been decided by
21 the market and announced by major manufacturers
22 all across the country.

23 This is already happening right now.
24 Major car manufacturers have already announced in
25 the coming decades all new products will be

1 electric. And they've backed that promise with
2 over \$200 billion in investments to support the
3 transition.

4 These standards will simply provide
5 that Delawareans who wish to purchase an electric
6 vehicle will have the ability to do so without
7 having to cross state lines. This regulation not
8 only fosters responsible and incremental shift,
9 but it also is one that is essential to our public
10 health.

11 I won't go into all of the things
12 that have already been repeated by the American
13 Lung Association. However, I do want to say in
14 closing, that Senator McBride is understanding of
15 the shift and the technocratic concerns that
16 making this slow transition will necessitate.

17 Senator McBride strongly supports
18 ACCII, and thanks DNREC and the Carney
19 administration for considering these rules.

20 And also personally, I want to thank
21 everybody on this meeting for convening this late
22 into the evening.

23 Thank you so much.

24 MRS. SWEENEY: Our next commenter is
25 Nickolaus Smith and on deck is Michelle Peters.

1 If you're present, please raise your hand.

2 NICKOLAUS SMITH: Hi. My name is
3 Nickolaus Smith. I'm the mayor of the town of
4 Clayton and the vice-president of Delaware Legal
5 Local Governments.

6 The Legal Local Governments is
7 comprised of mayors, council members and elected
8 officials in all counties.

9 And I'm here tonight to convey the
10 concerns we have with this program.

11 As we move towards adopting the
12 California electric vehicle program, we feel it's
13 important to acknowledge that California League of
14 Cities and California Air Resource Board, have
15 been forced to make significant concessions
16 regarding state and local government fleets. And
17 we feel that they are essential and must be
18 implemented here, as well.

19 We ask that you take the time to
20 consider these concessions and adopt them on
21 behalf of all Delaware municipalities. In
22 addition, we would like to touch on the issue of
23 infrastructure.

24 With the program having mandatory
25 dates to reach percentages, I see no mandatory

1 requirements to have the need for infrastructure
2 to be in place by those same dates.

3 While working on acquisition,
4 municipalities also focus on constructing the
5 infrastructures needed to charge these vehicles.

6 It's difficult to approve the
7 purchase of these vehicles, without the infracture
8 and capacity to charge them. Additionally, the
9 timeline for infrastructure planning can be long
10 and takes several months to a few years to
11 complete.

12 And that doesn't count the cost of
13 the additional infrastructure for the
14 municipalities, which we anticipate to be
15 significant.

16 An interruption to this process would
17 likely inhibit a municipal fleetability to comply
18 with the regulations.

19 To paint a picture, I feel as if we
20 are purchasing the land before installing an
21 outlet.

22 And we're making our local
23 governments pay the cost of it with the money they
24 don't have.

25 I feel compelled to bring up the fact

1 that Delaware's already in an electric supply and
2 demand crisis with the Indian River Power Plant
3 being forced to a must-run, and the municipals
4 paying hundreds of millions of dollars throughout
5 the next four and a half years.

6 We are at the same time rapidly
7 increasing the demands on an inadequate system by
8 requiring people to move to electric vehicles. In
9 addition to what I've said here tonight, the
10 League of Local Governments will be submitting
11 further written comments on this issues before the
12 May deadline. And I do appreciate your time this
13 evening.

14 MRS. SWEENEY: Not seeing a hand
15 raised for Michelle Peters.

16 THE HEARING OFFICER: At this time,
17 we will wrap up the hearing. We have reached the
18 end of our time.

19 Those of you who are in attendance
20 still, I want to thank you for staying online with
21 us and your interests in this matter.

22 As I previously mentioned, everything
23 that I said tonight, will be in the court
24 reporter's transcript, which will be posted on the
25 hearing web page dedicated to this matter as soon

1 as it received.

2 All written comments received between
3 now and May 26th, will also be posted on the
4 hearing web page so everyone can see the hearing
5 record as it is generated, and everyone can see
6 the comments before making their own, if they wish
7 to do so.

8 As we conclude tonight's hearing, I
9 want to remind everyone all the ways to offer
10 comment for inclusion into the formal record.

11 Comments need to be submitted through
12 a comment form link on the hearing web page via
13 Email to DNREChearingcomments@Delaware. gov or
14 via U.S. Postal service at the physical address
15 for DNREC indicated on the hearing web page and/or
16 the public notices previously issued in this
17 matter. Written comments to DNREC may not be
18 submitted using social media platforms such as
19 Twitter, Facebook, YouTube or text messaging.

20 And again, please remember that all
21 comments, regardless of how it is received, or as
22 long it is received by the department on or before
23 Friday, May 26th, will bear the exact same weight
24 and be considered equally by the secretary prior
25 to making his final decision in this matter.

1 The ultimate decision is -- the
2 ultimate decision regarding this matter, is made
3 by DNREC Secretary Garbin. And this formal
4 proceeding tonight was a mechanism to enable the
5 department to thoroughly vet the proposed action
6 to the public and to let the public know various
7 ways which comment may be submitted for Secretary
8 Garbin's consideration.

9 Again, I want to thank you for all
10 attending tonight. The hear is now adjourned at
11 10:11 p.m.

12 (Concluded 10:11 p.m.)

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CERTIFICATE

I do hereby certify that the aforesaid testimony was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true and correct record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.

Leandra Stoudt, RPR, CRR
CBC, CCP, Notary Public

Leandra M Stoudt

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